

J O U R N A L

OF

THE SIXTH SESSION

OF

The Assembly of the State of California,

BEGUN

ON THE FIRST DAY OF JANUARY, 1855, AND ENDED ON THE SEVENTH
DAY OF MAY, 1855, AT THE CITY OF SACRAMENTO.

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PUBLISHED BY AUTHORITY.

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1855.

J O U R N A L

OF

THE PROCEEDINGS OF THE ASSEMBLY.

JOURNAL OF THE ASSEMBLY.

MONDAY, January 1, 1855.

According to the requirements of the Constitution, the House was called to order this day, at 12 o'clock, M., by B. McAlpin, late Clerk.

On motion of Mr. Flournoy, Mr. Geller was chosen Speaker, pro tem.

The Clerk proceeded to call the counties, and the following members appeared, were qualified, and took their seats :

County of Amador—J. W. D. Palmer.

“ Butte—Thomas Wells.

“ Calaveras—S. B. Stevens, E. T. Beatty, and T. W. Taliaferro.

“ Colusi—J. L. McCutchan.

“ El Dorado—E. A. Stevenson, Theron Foster, W. F. Cunningham,
Edgar Bogardus, and J. C. Johnson.

“ Klamath—J. J. Arrington.

“ Marin—H. P. A. Smith.

“ Mariposa—T. C. Flournoy.

“ Monterey—D. R. Ashley.

“ Nevada—H. M. C. Brown, J. Phelps, William J. Knox, E. G. Waite,
and E. H. Gaylord.

“ Placer—Moses Andrews, Wm. Cory, Thomas Moreland, and R. F.
Gragg.

“ Plumas—Asa Kinney.

“ Sacramento—J. R. Vineyard, J. G. Brewton, H. B. Meredith, and
P. L. Edwards.

“ San Francisco—Wm. A. Dana, Wm. Whitney, George P. Johnston,
H. B. Hosmer, and W. B. Farwell.

“ San Joaquin—T. J. Keys, and D. F. Douglas.

“ San Luis Obispo—W. J. Graves.

“ Santa Clara—C. T. Ryland, and W. R. Gober.

“ Santa Cruz—Wm. W. Stow.

“ Shasta—Henry Bates.

“ Sierra—N. C. Cunningham, and Wm. T. Ferguson.

“ Solano—John Doughty.

“ Sonoma—James Singley, and J. S. Stewart.

“ Sutter—R. B. Sherrard.

County of Trinity—E. A. Rowe.

“ Tulare—Thomas Baker.

“ Tuolumne—E. K. Galvin, Thomas J. Oxley, J. M. Quinn, and F. Amyx.

When the County of Tuolumne was called, Mr Douglas protested, on behalf of Samuel McCurdy, against Mr. Galvin taking the oath of office.

Mr. Galvin, however, presented a certificate, regularly signed by the Clerk of Tuolumne county, and was qualified.

County of Yolo—J. H. Updegraff.

“ Yuba—William Geller, E. S. Gaver, D. O. Adkison, and Charles S. Chase.

On motion, the House adjourned until 12 o'clock, to-morrow.

IN ASSEMBLY.

TUESDAY, January 2, 1855.

House met pursuant to adjournment.

Mr. Geller in the chair:

The following members appeared, were qualified, and took their seats:

County of San Bernardino—J. Hunt.

“ San Francisco—E. G. Buffum, E. W. Taylor, and Robt. C. Rodgers.

“ Alameda—J. S. Watkins

“ Los Angeles—W. W. Jones, and Francis Mellus.

“ San Diego—W. C. Ferrell.

“ Amador—J. T. Farley.

“ El Dorado—H. McConnell, and John L. Boles.

“ Mariposa—E. M. Burke.

“ Napa—Nathan Coombs

Mr. Johnston, of San Francisco, moved to adjourn until 12 o'clock, to-morrow.

Whereupon, Mr. Stow demanded the ayes and noes, with the following result:

AYES.

Messrs. Amyx, Ashley, Baker, Beatty, Bogardus, Boles, Brewton, Chase, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Flournoy, Foster, Ferguson, Galvin, Gaver, Geller, Graves, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCutchan, McConnell, Palmer, Quinn, Rodgers, Stevens, Stevenson, Singley, Smith of Marin, Stewart, Taliaferro, Vineyard, Watkins, and Wells—37.

NOES.

Messrs. Andrews, Arrington, Adkison, Bates, Buffum, Burke, Cory, Dana, Douglass, Doughty, Edwards, Farley, Farwell, Gaylord, Gober, Gragg, Hosmer, Hunt, Keys, Knox, Mellus, Meredith, Moreland, Oxley, Phelps, Rowe, Ryland, Sherrard, Stow, Taylor, Updegraff, Waite, and Whitney—32.

So the House adjourned until 12 o'clock, to-morrow.

IN ASSEMBLY.

WEDNESDAY, January 3, 1855.

House met pursuant to adjournment.

Mr. Geller in the chair.

The following members appeared, were qualified, and took their seats :

County of San Francisco—John Cammet.

“ Humboldt—A. H. Murdock.

“ Butte—Charles G. Lincoln.

“ El Dorado—N. T. Smith.

Mr. Douglas offered the following resolution, which was adopted :

Resolved, That the Standing Rules of the last session shall be the rules of this House, until otherwise ordered.

On motion of Mr. Buffum, the House agreed to go into the election of a Speaker.

Mr. Johnston, of San Francisco, moved a call of the House.

The call was sustained.

The roll was called, and the following members were absent : Messrs. Adkison, Brown of Nevada, Doughty, and Stewart

Mr. Stow moved to dispense with further proceedings under the call.

Upon which Mr. Stevenson demanded the ayes and noes, and the motion was carried by the following vote :

AYES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Buffum, Burke, Cammet, Cory, Coombs, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Stow, Taylor, Updegraff, Waite, and Whitney—42.

NOES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Chase, Cunningham of El Dorado, Cunningham of Sierra, Foster, Galvin, Gaver, Geller, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins, Wells—30.

On motion of Mr. Stow, the motion to go into the election of a Speaker was laid temporarily upon the table.

Mr. Warren Brown, of Contra Costa, appeared, was qualified, and took his seat. Mr. Farwell moved to take the motion from the table.

Whereupon, Messrs. Amyx and Taliaferro demanded the ayes and noes, and the motion prevailed by the following vote :

AYES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Bogardus, Boles, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Coombs, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Ferguson, Gaylord, Gober, Gregg, Hosmer, Hunt, Johnston of San Francisco, Jones, Keys, Knox, Lincoln, McCutchan, Mellus, Meredith, Moreland, Murdock, Oxley, Rodgers, Rowe, Ryland, Stevenson, Sherrard, Singley, Stow, Taylor, Updegraff, Vineyard, Watkins, Waite, Whitney—51.

NOES.

Messrs. Amyx, Baker, Beatty, Brewton, Chase, Cunningham of El Dorado, Cunningham of Sierra, Foster, Galvin, Gaver, Geller, Graves, Johnson of El Dorado, Kinney, McConnell, Palmer, Phelps, Quinn, Stevens, Smith of El Dorado, Smith of Marin, Taliaferro, Wells—23.

Mr. Stevenson moved a reconsideration of the vote just taken, and demanded the ayes and noes, which resulted as follows.

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Chase, Cunningham of El Dorado, Cunningham of Sierra, Foster, Galvin, Gaver, Geller, Johnson of El Dorado, Lincoln, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Vineyard, Wells—26.

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Buffum, Burke, Cammet, Cory, Coombs, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Johnston of San Francisco, Jones, Keys, Kinney, Knox, McCutchan, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Stow, Taliaferro, Taylor, Updegraff, Watkins, Waite, Whitney—47.

So the motion to reconsider was lost.

Mr. Smith, of Marin, moved a call of the House.

Mr. Stevenson demanded the ayes and noes.

The House refused to sustain the call by the following vote :

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brown of Nevada, Chase, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Foster, Galvin, Gaver, Geller, Johnson of El Dorado, Johnston of San Francisco, Kinney, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Wells—28.

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brewton, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, McCutchan, Mellus, Meredith, Moreland, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Stow, Taylor, Updegraff, Watkins, Watkins, Waite, Whitney—45.

The question being upon the motion to proceed to the election of a Speaker, Mr. Douglas moved the previous question.

Mr. Stevenson moved to adjourn until 4 o'clock, P. M.

Not agreed to.

The previous question was then sustained.

The House then proceeded to the election of a Speaker.

Mr. Douglas nominated Mr. Stow, of Santa Cruz.

Mr. Wells nominated Mr. Kinney, of Plumas.

On motion of Mr. Ryland, the Chair appointed Messrs. Taliaferro and Edwards to act as Tellers.

Those who voted for Mr. Stow, were Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney—32.

Those who voted for Mr. Kinney, were Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Chase, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Flournoy, Foster, Galvin, Gaver, Geller, Graves, Johnson of El Dorado, Johnston of San Francisco, Jones, McCutchan, McConnell, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins, Wells—35.

Messrs. Ashley, Hunt, Knox, and Rodgers, voted for Mr. Buffum.

Messrs. Buffum and Cammet voted for Mr. Rodgers.

Whole number of votes, 73 : necessary to a choice, 37.

No one having received a majority of the votes cast, the House proceeded to vote again.

Those voting for Mr. Stow, were, Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Dana, Douglas, Doughty, Ed-

wards, Farley, Farwell, Ferrell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney—32.

Those voting for Mr. Kinney, were Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Chase, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Foster, Galvin, Gaver, Geller, Graves, Johnson of El Dorado, Johnston of San Francisco, Jones, McCutchan, McConnell, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins, Wells—35.

Messrs. Ashley, Hunt, Brown, and Rodgers, voted for Mr. Buffum.

Messrs. Buffum and Cammet voted for Mr. Rodgers.

Whole number of votes, 73 : necessary to a choice, 37.

No one having a majority, the House were proceeding to vote again, when Mr. Stevenson moved to adjourn, and demanded the ayes and noes, and the motion was lost by the following vote:

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Chase, Cunningham of El Dorado, Cunningham of Sierra, Foster, Galvin, Gaver, Johnson of El Dorado, Lincoln, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Vineyard, Wells—25.

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Buffum, Burke, Cammet, Cory, Coombs, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Johnston of San Francisco, Jones, Keys, Kinney, Knox, McCutchan, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Stow, Taliaferro, Taylor, Updegraff, Watkins, Waite, Whitney—47.

The House proceeded to vote a third time.

Those who voted for Mr. Stow, were Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Hunt, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rodgers, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney—38.

Those who voted for Mr. Kinney, were Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Chase, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Flournoy, Foster, Galvin, Geller, Graves, Johnson of El Dorado, Johnston of San Francisco, Jones, McCutchan, McConnell, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins, Wells—34.

Mr. Stow having received a majority of all the votes cast, was declared duly elected Speaker of the Assembly, and Messrs. Kinney and Douglas were appointed a committee to conduct him to the chair.

Mr. Stow was then duly qualified by Hon. H. C. Murray, Chief Justice, took the chair, and delivered the following inaugural address :

Gentlemen of the Assembly:

To you have been delegated powers limited only by the Constitution of the United States, and the Constitution of the State of California, to make laws for regulating all the relationships of our common constituency. Law is a rule of action, guaranteeing to us the protection of our rights, or the redress of our wrongs. All law tends to the one or the other of these points. The political and civil wants of civilized communities find expression, and obtain authority in the form of laws. Such enactments seldom or never become burthensome upon the people. They have chosen you to reflect upon the statutory volume *their will*. Honesty and industry will enable you to be successful in the accomplishment of your mission. Whatever of good judgement, sound discretion, and honest purpose there is within me, I pledge in aid of wholesome legislation, and the advancement of the interests and development of the resources of this great and glorious State. Action, in consonance with the purpose of our position, and the solemn oath we have taken, will reflect honor upon ourselves, and quicken that spirit of enterprise so characteristic of our people.

They have commissioned us to execute one of the highest missions known to popular government. They have given us dignity, but not distinction ; that rests with ourselves. No matter what station man occupies—no matter how signally marked the approbation of the public—unless he fills that station—unless he ennobles it—unless its functions are discharged in conformity with the letter and spirit of creation, then it becomes a mill stone about his neck that drags him far below his original starting point.

Gentlemen, I trust that we shall all be able to discharge our duties, so that we may enjoy the double reward of an approving conscience, and an approving constituency. For the accomplishment of so desirable an end, I offer you the assurance of my hearty co-operation, and do this as cordially, as I now tender to you my thanks for the honor just conferred upon me.

On motion of Mr. Buffum, the House then proceeded to elect a Chief Clerk.

Mr. McCutchan nominated J. M. Anderson.

Mr. Ryland nominated Blanton McAlpin.

Those who voted for Mr. Anderson, were Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Douglas, Foster, Galvin, Gaver, Geller, Gober, Graves, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Meredith, Oxley, Palmer, Quinn, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Taltierro, Vineyard, Watkins, Wells—38.

Those who voted for Mr. McAlpin were Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Commet, Cory, Dana, Doughty, Edwards, Farley, Farwell, Ferrell, Ferguson, Gaylord, Gragg, Hunt, Jones,

Keys, Knox, Lincoln, Mellus, Moreland, Murdock, Phelps, Rodgers, Rowe, Ryland, Stow, Taylor, Updegraff, Waite, Whitney—35.

Mr. Anderson having received a majority of all the votes cast, was declared elected Clerk, and was duly qualified.

The House then went into the election of an Assistant Clerk.

Mr. Arrington nominated J. W. Scobey.

Mr. McCutchan nominated E. O. F. Hastings.

Those who voted for Mr. Scobey, were Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Gaylord, Gober, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rowe, Ryland, Stow, Taylor, Updegraff, Waite, Whiting—38.

Those who voted for Mr. Hastings, were Messrs. Amyx, Baker, Beatty, Borgardus, Boles, Brewton, Chase, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Flournoy, Foster, Ferguson, Galvin, Geller, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, Lincoln, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins, Wells—34.

Mr. Scobey having received a majority of all the votes cast, was declared elected Assistant Clerk, and was duly qualified.

Mr. Flournoy moved to adjourn until to-morrow, 10 o'clock, A. M.
Not agreed to.

The House then proceeded to elect a Sergeant-at-Arms.

Messrs. Lindsey, Stafford, Klinefelter, Coutts, Avery, and Curtiss, were put in nomination.

The roll was called, and no one having received a majority of all the votes cast, the House proceeded to vote again.

Mr. Buffum moved to adjourn until 11 o'clock, A. M., to-morrow.
Not agreed to.

The name of Mr. Klinefelter was withdrawn.

The roll was again called, and no choice having been made,
On motion of Mr. Buffum, the House adjourned until 11 o'clock, to-morrow.

IN ASSEMBLY.

THURSDAY, January 4, 1855.

House met pursuant to adjournment.

The Speaker, Mr. Stowe, in the chair.

Mr. Covarrubias, of San Bernardino, was qualified and took his seat.

The roll was called, and, a quorum being present, the Assembly proceeded to business.

The Journals of the first and second of January were read and approved.

Mr. Arrington moved to go into the election of Sergeant-at-Arms.

Agreed to.

Mr. Buffum nominated Blanton McAlpin.

All those that were in nomination on yesterday were withdrawn, except Mr. Stafford.

Those who voted for Mr. McAlpin, were Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Covarrubias, Dana, Douglas, Edwards, Farley, Farwell, Ferrell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Hunt, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Stowe, Taylor, Updegraff, Waite and Whitney.—41.

Those who voted for Mr. Stafford, were Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Flournoy, Foster, Galvin, Gaver, Geller, Graves, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Vineyard, Watkins and Wells—35.

Mr. McAlpin was declared elected, and was duly qualified.

A motion was then made to go into the election of Doorkeeper:

Messrs. Price, Sweet and Buckner were placed in nomination.

Those who voted for Mr. Price, were Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Flournoy, Foster, Galvin, Gaver, Geller, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCutchan, McConnell, Mellus, Palmer, Quinn, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Vineyard, Watkins and Wells—37.

Those who voted for Mr. Sweet, were Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Buffum, Cammet, Cory, Dana, Doughty, Farley, Farwell, Ferguson, Gaylord, Hosmer, Hunt, Keys, Knox, Lincoln, Moreland, Murdock, Phelps, Rodgers, Rowe, Stowe, Taylor, Waite and Whitney—29.

Those who voted for Mr. Buckner, were Messrs. Burke, Douglas, Edwards, Gober, Meredith. Sherrard and Updegraff—7.

Mr. Oxley voted for Mr. Coutts—1.

Whole number of votes, seventy-four.

Necessary to a choice, thirty-eight.

No election having taken place, a second vote was called.

Mr. Buckner's name was withdrawn.

Upon the second vote, those who voted for Mr. Price, were Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Chase, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Edwards, Ferrell, Flournoy, Foster, Galvin, Gaver, Geller, Graves, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCutchan, McConnell, Mellus, Meredith, Palmer, Quinn, Ryland, Stevens, Stevenson, Sogley, Smith of El Dorado, Smith of Marin, Stewart, Tahaferro, Vineyard, Watkins and Wells—42.

Those who voted for Mr. Sweet, were Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Bufum, Burke, Canmet, Cory, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Homer, Keys, Knox, Lincoln, Morland, Mumlock, Oxley, Phelps, Rodgers, Rowe, Sherrard, Stowe, Taylor, Updegraff, Waite and Whitney—35.

Whole number of votes, seventy-seven.

Necessary to a choice, thirty-eight.

Mr. Price was declared elected, and was duly qualified.

Mr. Ryland moved to go into the election of Engineering Clerk.

Motion seconded and adopted.

Mr. Kinney nominated E. A. Kelley.

Mr. Oxley nominated Mr. Crosswaite.

Mr. Farley nominated Mr. Hatch.

Those who voted for Mr. Kelley, were Messrs. Amyx, Ashley, Adkison, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Bufum, Burke, Canmet, Chase, Coombs, Covarrubias, Cunningham of El Dorado, Dana, Douglas, Doughty, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Galvin, Gaver, Geller, Gober, Graves, Gragg, Homer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, Lincoln, McCutchan, McConnell, Morland, Mumlock, Palmer, Quinn, Rodgers, Rowe, Ryland, Stevens, Stevenson, Sherrard, Sogley, Smith of El Dorado, Smith of Marin, Stewart, Tahaferro, Taylor, Vineyard, Watkins, Wells and Whitney—61.

Those who voted for Mr. Crosswaite, were Messrs. Andrews, Arrington, Cory, Douglas, Edwards, Gaylord, Mellus, Meredith, Oxley, Phelps, Stowe, Updegraff and Waite—13.

Whole number of votes, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Kelley received sixty-one.

Mr. Crosswaite thirteen.

Mr. Hatch one.

Mr. Farley changed his vote to Mr. Kelley.

Mr. Kelley was declared, by the speaker, duly elected.

Mr. Geller moved to go into the election of Enrolling Clerk.

Motion seconded and adopted.

Mr. Geller nominated Mr. Dannels.

Mr. Cory nominated Mr. Healey.

Those who voted for Mr. Dannels, were Messrs. Amyx, Ashley, Adkison, Baker, Beatty, Bogardus, Boles, Brewton, Brown, Bullum, Cammet, Chase, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Dana, Doughty, Farwell, Ferrell, Flournoy, Foster, Ferguson, Galvin, Gaver, Geller, Gober, Grave, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, Knox, Lincoln, McCutchan, McConnell, Mellus, Palmer, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevens, Stevenson, Sheppard, Singley, Smith of El Dorado, Smith of Marin, Stowe, Stewart, Tahateiro, Taylor, Updegraff, Vineyard, Watkins, Wells and Whitney—74.

Those who voted for Mr. Healey, were Messrs. Andrews, Bates, Brown of Contra Costa, Burke, Cory, Douglas, Edwards, Farley, Gaylord, Gragg, Keys, Meredith, Moreland and Waite—14.

Whole number of votes, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Dannels received sixty.

Mr. Healey received fourteen.

Mr. Dannels was declared elected.

Mr. Ryland presented the following:

Resolved, That a committee of five be appointed by the Chair, to draft a set of Rules and Regulations for the government of this Assembly, and report the same.

Adopted.

Mr. Cunningham presented the following:

Resolved, That the Sergeant-at-Arms be required to procure from the Secretary of State the necessary stationary for the use of the Assembly.

Adopted.

Mr. Kinney presented the following:

Resolved, That the speaker be authorized to appoint four pages, and four porters, for the convenience of the Assembly, and to remove them at pleasure. Also, that the Chief Clerk be authorized to procure, from time to time, such further assistance as may be necessary, not exceeding four clerks.

Adopted.

Mr. Farwell presented the following:

Resolved, That the Clerk be directed to inform the Senate that the Assembly has organized by the election of the following officers:

W. W. STOW,.....Speaker.
 J. M. ANDERSON,.....Chief Clerk.
 J. W. SCOBY,.....Assistant Clerk.
 E. A. KELLEY,.....Engrossing Clerk.
 CHARLES DUNNALS,.....Enrolling Clerk.
 BLANTON McALPIN,.....Sergeant-at-Arms.
 T. F. W. PRICE,.....Door-keeper.

And that the Assembly is now ready to proceed with the business of the session.

Adopted.

Mr. Buffum presented the following Joint Resolution:

Resolved, That a committee of two from each House be appointed to wait upon the Governor and inform him that the two Houses are now ready to receive any communication which he may desire to transmit.

Adopted.

The Speaker appointed Mr. Buffum and Mr. Murdock on behalf of the Assembly.

Mr. Kinney presented the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms procure, or cause to be procured, two stoves for the use of the Hall.

Mr. Knox presented the following resolution, which, on motion, was laid on the table:

Resolved, That the Sergeant-at-Arms be instructed to make such arrangements, with the Post Master at Sacramento, and, also, with the Express Companies, as may secure the payment of the postage and express charges on all mailable matter received or sent by members; *provided*, that the charges by the said Express Companies shall not exceed the United States postage on the same matter.

Mr. Buffum offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to make arrangements to furnish members with five copies of daily newspapers and two weeklies each, such as they may select.

Mr. Wells offered the following substitute, which was lost:

Resolved, That the Sergeant-at-Arms make arrangements to furnish to each member, three daily and two weekly newspapers, or weekly papers to the same amount of costs; the papers to be selected by the members.

Mr. Ryland presented the following substitute, which was adopted:

Resolved, That the Sergeant-at-Arms be empowered to provide for each member, five newspapers each day, such as the member may select.

The following message was received from the Senate:

Mr. Speaker :

I am instructed to inform the Assembly that the Senate have this day organized by the selection of the following officers:

Hon. R. T. SPRAGUE,.....	President <i>pro tempore</i> .
WM. A. CORNWALL,.....	Secretary.
CHARLES DICKINSON,.....	Assistant Secretary.
J. P. VAN HAGEN,.....	Engrossing Clerk.
JAMES H. GARDNER,.....	Enrolling Clerk.
JOHN T. KNOX,.....	Sergeant-at-Arms.
G. C. NEWMAN,.....	Doorkeeper.

And are now ready to proceed with Legislative business. They have also passed the accompanying resolution, appointing Messrs. McFarland and Mahoney a committee on their behalf, to wait upon the Governor, in which the concurrence of the Assembly is requested.

JOHN Y. LIND, Sec.

The Senate concurrent resolution, appointing a committee to wait upon the Governor and inform him that the two Houses were organized and ready to receive any communication from him, was concurred in by the Assembly.

Mr. Johnston, of San Francisco, offered the following resolution, which, on motion, was adopted:

Resolved, That the Sergeant-at-Arms be authorized to purchase a clock for the use of the Assembly.

Mr. Phelps offered the following resolution, which, upon motion, was laid upon the table.

Resolved, That the resident clergymen of this city, of all denominations, be invited to officiate as its Chaplains, alternately.

The resolution offered by Mr. Knox, relative to arrangements with Post Masters and Express Companies in relation to postage and express charges, was, upon motion of Mr. Rowe, taken from the table.

Mr. Rowe offered the following resolution, which, upon motion, was adopted.

Resolved, That the Sergeant-at-Arms be instructed to make arrangements with the Post Master of Sacramento, and also with the Express Companies, on the most advantageous terms, for the carrying of all mail matter for the Assembly.

On motion of Mr. Flournoy, the Assembly adjourned.

IN ASSEMBLY.

FRIDAY, January 5, 1855.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were absent:

Messrs. Andrews, Bogardus, Brown of Contra Costa, Brown of Nevada, Buffum, Covarrubias, Jones, Lincoln, Murdock, Sherrard and Smith of El Dorado.

Mr. Ashley gave notice that he would, at an early day, introduce a bill for "An Act concerning fees of office;" also, a bill for an Act to amend an Act concerning crimes and punishments.

Mr. Stevenson gave notice that he would, at an early day, introduce a bill in regard to the Chinese in this State.

Mr. Geber gave notice that he would, at an early day, introduce a bill for an Act to amend an Act entitled "An Act to establish a system of Common Schools in California."

Mr. Johnston, of San Francisco, gave notice that he would, at an early day, introduce a bill for an Act to re-incorporate the City of San Francisco; also, an Act to fund the floating debt of the County of San Francisco.

Mr. Flournoy gave notice that, at an early day, he would introduce a bill to divide the Fifth Judicial District.

Mr. Ryland gave notice that he would, at an early day, introduce a bill to amend an Act concerning the exemption of the homestead and other property; also, a bill to amend an Act concerning the revenue.

Mr. Kinney gave notice that, at an early day, he would introduce a bill to divide the State into Congressional Districts.

Mr. Stevens gave notice that he would, on to-morrow, or at an early day thereafter, introduce a bill to abolish the office of State Printer in this State.

Mr. Bates gave notice that he would, at an early date, introduce a bill respecting the elections of Supervisors in the different counties where such do not now exist.

Mr. Farwell gave notice that he would, at an early day, introduce a bill for the suppression of gambling; also, a bill for the suppression of Chinese immigration.

Mr. Johnson, of El Dorado, gave notice that he would, at an early day, introduce a bill changing the present mode of assessing and collecting the public revenue.

Mr. Graves gave notice that he would, at an early day, introduce a bill for an Act to abolish the board of Supervisors of San Luis Obispo.

Mr. Armstrong gave notice that he would, at an early day, introduce a bill to have the county debt of Klamath County funded.

Mr. Aiken gave notice that he would, at an early day, introduce a bill supplementary and amendatory of several Acts concerning the duties of County officers.

Mr. Smith, of Marin, gave notice that he would, at an early day, introduce a Joint Resolution, instructing our delegates in Congress to use their best exertions to procure the passage of an Act in Congress the present session, author-

izing the construction of a military road from the Mississippi waters to California

Mr. Rodgers gave notice that he would, at an early day, introduce a bill to consolidate the City and County of San Francisco.

Mr. Dana gave notice that he would, at an early day, introduce a bill for the reduction of fees of office.

Mr. Ryland gave notice, that at an **early day** he would introduce a bill to amend the attachment law, and also a bill to fix the salaries of officers.

Mr. Rowe gave notice, that he would introduce, at an early day, a bill to more definitely define the boundaries of Trinity county.

Mr. Bates gave notice, that he would, at an early date, introduce a bill in relation to the establishing a branch State Hospital in Shasta county.

Mr. Buffum gave notice, that at an early day he would introduce a bill to increase the jurisdiction of Justices of the Peace in the county of San Francisco.

Mr. Ashley gave notice, that he would, at an early day, introduce a bill for "An Act concerning Common Schools."

Mr. Buffum, from the Joint Committee appointed to wait upon the Governor, reported that they had performed that duty, and that the communications from the Executive would be sent to the Assembly at half past 11 o'clock, A. M.

Mr. Wells gave notice, that he would, at an early day, introduce a bill for an Act to be entitled An Act to amend an Act concerning Roads and Highways.

Mr. Amyx gave notice, that he would, at an early day, introduce a bill for the suppression of immoral assemblages, more particularly described as lewd or fandango houses.

Mr. Rowe gave notice, that at an **early day** he would introduce a bill providing for a Treasurer of Trinity county.

Mr. Buffum gave notice, that he would, at an early day, introduce an Act supplemental to an Act concerning Divorces.

Mr. Taylor presented the following resolution :

Resolved, That this House, on Tuesday next, do proceed to the election of a Chaplain.

Mr. Stevenson moved the indefinite postponement of the resolution.

Messrs. Douglas and Stevenson demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Ashley, Baker, Bates, Beatty, Bogardus, Cory, Chase, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Foster, Gaver, Gregg, Johnson of El Dorado, Jones, Kamey, Lincoln, McConnell, Moreland, Murdock, Palmer, Rowe, Stevenson, Stewart, and Taliaferro—28.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Adkison, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Cammet, Dana, Douglas, Edwards, Farwell, Flournoy, Galvin, Gaylord, Geller, Gober, Graves, Hosmer, Hunt, Johnston of

San Francisco, Keys, Knox, McCutchan, Mellus, Meredith, Oxley, Phelps, Quinn, Rodgers, Ryland, Stevens, Smith of El Dorado, Taylor, Updegraff, Vineyard, Watkins, Waite, Wells, and Whitney—41.

The motion was lost.

Mr. Stevenson moved to lay the resolution on the table.

Mr. Watkins demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Ashley, Baker, Bates, Beatty, Bogardus, Buffum, Corey, Chase, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Ferrell, Foster, Gaver, Geller, Gragg, Hosmer, Hunt, Johnson of El Dorado, Jones, Kinney, McConnell, Mellus, Moreland, Murdock, Palmer, Rowe, Ryland, Stevenson, Singley, Stewart, Taliaferro, Watkins—37.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Adkinson, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Cammet, Dana, Douglass, Edwards, Farwell, Flournoy, Galvin, Gaylord, Gober, Graves, Johnston of San Francisco, Keys, Knox, Lincoln, McCutchan, Meredith, Oxley, Phelps, Quinn, Rodgers, Stevens, Sherrard, Smith of El Dorado, Taylor, Updegraff, Vineyard, Waite, Wells, Whitney—36.

The resolution was laid upon the table.

Mr. Buffum moved the following concurrent resolution :

Resolved, (the Senate concurring) That Wednesday, the 10th day of January, be fixed as the day on which the Senate and Assembly shall unite in Joint Convention for the election of a United States Senator.

Mr. Flournoy moved to lay the resolution on the table.

Mr. Buffum called for the ayes and noes.

AYES.

Messrs. Arrington, Adkinson, Baker, Bates, Brown of Nevada, Corey, Chase, Coombs, Covarrubias, Cunningham of Sierra, Doughty, Edwards, Ferrell, Gaver, Gaylord, Geller, Hosmer, Kinney, Mellus, Meredith, Moreland, Oxley, Rowe, Stevens, Sherrard, Stewart, Waite—27.

NOES.

Messrs. Andrews, Amyx, Ashley, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Buffum, Burke, Cammet, Cunningham of El Dorado, Dana, Douglas, Farley, Farwell, Flournoy, Foster, Galvin, Gober, Graves, Gragg, Hunt, Johnson of El Dorado, Johnston of San Francisco, Keys, Knox,

Lincoln, McCutchan, McConnell, Murdock, Palmer, Phelps, Quinn, Rodgers, Ryland, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Wells, Whitney—47.

The motion to lay the resolution on the table was lost.

Mr. Smith of Marin moved the following as a substitute :

Resolved, (the Senate concurring) That Tuesday, January 9th, shall be set apart for a Joint Convention for the election of a United States Senator to succeed the Hon. William M. Gwin.

Mr. Ashley demanded the ayes and noes.

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burk, Corey, Cunningham of El Dorado, Cunningham of Sierra, Johnson of El Dorado, Johnston of San Francisco, Keys, Kinney, Lincoln, McConnell, Moreland, Quinn, Rowe, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Watkins, Wells—28.

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Buffum, Cammet, Chase, Coombs, Covarrubias, Dana, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Foster, Galvin, Gaver, Gaylord, Geller, Gober, Graves, Gregg, Hosmer, Hunt, Knox, McCutchan, Mellus, Meredith, Murdock, Oxley, Palmer, Phelps, Rodgers, Ryland, Stevens, Taylor, Updegraff, Vineyard, Waite—43.

Mr. Flournoy moved to indefinitely postpone the subject.

Mr. Stevenson moved to lay the motion to indefinitely postpone on the table.

Mr. Flournoy moved to amend by striking out "Wednesday, 10th day of January," and insert "First Wednesday of February."

The ayes and noes were called :

AYES.

Messrs. Amyx, Ashley, Baker, Bates, Beatty, Boles, Brown of Contra Costa, Buffum, Cammet, Cory, Chase, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Foster, Gaver, Gragg, Johnson of El Dorado, Jones, Kinney, McConnell, Mellus, Moreland, Murdock, Rowe, Stevenson, Singley, Stewart, Taliaferro—31.

NOES.

Messrs. Andrews, Arrington, Adkison, Brewton, Brown of Nevada, Dana, Douglas, Edwards, Farley, Farwell, Ferrell, Flournoy, Galvin, Gaylord, Geller, Gober, Graves, Hosmer, Hunt, Johnston of San Francisco, Keys, Knox, McCutchan, Meredith, Oxley, Phelps, Quinn, Rodgers, Ryland, Stevens, Smith of

El Dorado, Taylor, Updegraff, Vineyard, Watkins, Waite, Wells, and Whitney—33.

Mr. Farwell presented the following substitute:

Resolved, The Senate concurring, that the Legislature will meet in Joint Convention on Monday, January 15th, for the election of a United States Senator to fill the place of Hon. Wm. M. Gwin.

Mr. Ferrell moved to amend the substitute, by striking out the "15th" and inserting the "11th."

Substitute and amendment lost.

Mr. Douglas moved, the previous question, which was sustained.

On the adoption of the original resolution, Mr. Buffum demanded the ayes and noes.

AYES.

Messrs. Andrews, Amyx, Ashley, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cammet, Cory, Chase, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Dana, Douglas, Edwards, Farwell, Flournoy, Foster, Galvin, Gober, Graves, Gragg, Hunt, Johnson of El Dorado, Johnston of San Francisco, Keys, Kinney, Knox, Lincoln, McCutchan, McConnell, Meredith, Moreland, Murdock, Palmer, Phelps, Quinn, Rodgers, Ryland, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Waite, Wells and Whitney—59.

NOES.

Messrs. Arrington, Adkison, Bates, Coombs, Doughty, Farley, Ferrell, Gaver, Geller, Hosmer, Jones, Mellus, Rowe and Stevens—14.

The following Message was received from the Governor, by his Private Secretary, and, while reading the same, it was moved to dispense with the further reading, and lay the Message upon the table.

MESSAGE.

Fellow Citizens

Of the Senate and Assembly

As the chosen representatives of a free people, you have assembled to deliberate on the various subjects connected with their happiness, and the prosperity of this young State; and to devise and mature such measures as may be deemed essential to the varied wants, and promotive of the many and vast interests of a common constituency.

Since the assembling of your predecessors, another year, with all its trials and hopes, its joys and sorrows, has glided into the past, leaving its record of good and evil as the legacy of the future; and, I sincerely rejoice, that I am enabled, at its close, to congratulate you upon the continued health and prosperity of our people, and the advancement and improvement to be noted in the various departments of industry, commerce and trade.

In reviewing the occurrences of the past year, we can but be filled with emotions

of fervent gratitude to the Great Disposer of human events, to whom should be rendered tributes of grateful acknowledgment for the various and multiplied blessings he has been pleased to bestow.

Abundant harvests have crowned the exertions of the agriculturist—almost universal health has blessed our homes—and all the elements of human happiness and State greatness have been greatly augmented.

Although it is certainly true that in our past history and present condition there is much to merit sincere congratulation, we should not for a moment cease to remember that the rights, interests, honor and future welfare of an enlightened people, have, for a time at least, been committed to our guardian care, or relax, in any degree, our every energy and most determined effort to secure for them the blessings of a wise and salutary government, economically and judiciously administered.

In the discharge of the responsible and arduous duties devolved upon you, these considerations, it is hoped, will stimulate you to zealous endeavors to meet the wants and requirements of the people, and, by proper legislation, promote the advancement of the State to that high position she is destined, at an early day, to assume among the States of the Confederacy.

While to other departments is committed the charge of administering and executing the laws, yours is the higher and more responsible duty of constructing them, and thus laying, broad and deep, the foundations of the future wealth and prosperity of the State, and the consequent happiness and contentment of a free people.

You have assembled together from all parts of this great State, bearing with you the hopes and well-wishes of the entire people, who confidently believe that you will, by a proper application of the ample means within your reach, provide for the speedy extinguishment of existing liabilities, and, by wise and salutary enactments, greatly reduce the enormous expenditures, which have characterized former years.

The time has at length arrived, when economy in the administration of the State Government must be observed, and you will permit me respectfully to suggest, that it is your duty, and one which you cannot evade, to curtail unnecessary expenditures, and greatly reduce the present rates of taxation. So long as our expenditures shall exceed, by any considerable amount, the annual receipts into the treasury, no matter how vast may be our resources, or enduring the patience of the people, just so long must the permanent prosperity of the State be retarded, and her citizens oppressed with taxation.

It is, therefore, your duty to remodel, to a certain extent, the machinery of civil government, thereby retrenching superfluous expenditures, and, also, by provident enactments, secure the speedy payment of existing indebtedness, and the consequent and much needed relief of the people from the burthens they now necessarily endure.

In the performance of the important duty devolved upon me by the Constitution, of setting forth the "condition of the State," and commending to your favorable consideration measures of public necessity and utility, I shall, as briefly and succinctly as possible, commend such measures as are deemed of the highest importance to the people.

Should the policy marked out by me in former official papers, and to which your attention is earnestly invited, meet with the approbation and favorable action of the representatives of the people, as they are believed to have received the endorsement of the people themselves, the State can speedily be relieved of debt, and her citizens of onerous taxation.

That the State is possessed of means amply sufficient to cover present liabilities and still retain a large surplus in the Treasury to meet future exigencies, no one can doubt who has examined into her vast resources; and it is therefore hoped that you will, at once mature some plan for the liquidation of the existing debt of the State, and, at an early day, bestow the attention, so much required, to the considera-

tion of proper measures of retrenchment in the expenditures of the State Government.

STATE FINANCES, DECEMBER 20, 1854.

Amount of 3 per cent. Bonds outstanding	-	-	\$3,975 00,
Interest on same	-	-	5,849,75,
			<hr/>
			\$9,824,75
Amount of 7 per cent. Bonds 1851	-	-	294,000,00
" 7 " 1852	-	-	1,389,500,00
Outstanding Controller's Warrants,	-	-	323,966,96
State Prison Bonds	-	-	15,000,00
Interest on State Prison Bonds,	-	-	525,00
Interest on School Fund,	-	-	32,465,44
Due Counties for School purposes,	-	-	5,725,94
Due Counties for Hospitals,	-	-	18,179,03
			<hr/>
			\$2,089,187,12
Deduct amount of cash in Treasury,	-	-	180,603,79
			<hr/>
Total amount of Civil Indebtedness of the State, December 20th, 1854, exclusive of School Fund, as exhibited by the Report of the Controller of State,	-	-	\$1,908,583,33
Amount of the several sales of State Property made by the Board of State Land Commissioners—as reported by the Board on the 20th of December, 1854.			
October 20th, 1853,	-	-	\$143,700,00
December 28th, 1853,	-	-	350,475,00
March 9th, 1854,	-	-	235,300,00
August 17th, 1854,	-	-	75,724,00
October 26th, 1854,	-	-	101,332,50
			<hr/>
Total Amount of Sales	-	-	\$906,531,50
From which deduct expenses of Board up to December 1, 1854,	-	-	60,991,47
			<hr/>
Net amount of sales,	-	-	\$845,540,03
Of the net amount of the Sales made by the Commissioners, the sum of four hundred and seventy-one thousand two hundred and nine dollars and sixty-three cents, (471,209,63) has been paid into the State Treasury, and is included in the above exhibit of "State Finances," leaving still due the State, and to be hereafter applied in the redemption of her seven per cent. Bonds, the sum of -	-	-	\$373,330,40
Balance of the 25 per cent. due to the State from the City of San Francisco, on the sale of property made December 26th, 1853, under the Water Lot Act of March 26th, 1851,	-	-	\$165,000,00
Amount due from Wharves in the City of San Francisco, as reported by the Attorney-General,	-	-	20,110 70
			<hr/>
			\$559,441 10

RECAPITULATION.

Amount of State indebtedness on the 20th day of December, 1854, exclusive of School Fund, as exhibited by the report of the Controller of State,	-	-	\$1,908,583 33
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From which deduct balance of proceeds of sales heretofore made, and which, by law, are set apart for the redemption of outstand- ing 7 per cent Bonds, - - - - -	559,441 10
Leaving, as the total amount of civil indebtedness <i>unprovided</i> for at this date, the sum of - - - - -	1,349,142 23
From this deduct the estimated amount of a sale of State property, to take place on the 18th of the present month, - - - - -	65,000 00
Total amount of State indebtedness <i>unprovided</i> for, - - -	<u>\$1,284,142 23</u>

It may, therefore, safely be assumed that on the 18th of the present month, the entire indebtedness of the State, *unprovided* for, exclusive of the School Fund (\$464,000) will not exceed the above stated balance, being the sum of - - - - - \$1,284,142 23

On the 20th of December, 1853, the amount of the State debt, civil and war, exclusive of the School Fund, was - - - - - 3,001,445 70

Total amount of State debt *unprovided* for as above stated, - - - 1,284,142,23

Total amount of reduction of State indebtedness since December 20th, 1853, - - - - - 1,717,303 47

being four hundred and thirty-three thousand, one hundred and sixty-one dollars and twenty-four cents (\$433,161 24) more than the present *unprovided* for civil indebtedness of the State.

It is exceedingly gratifying to be enabled, at the commencement of the present year, to assure you that of all the States of the Confederacy, but six, only, are financially, in a better condition than the State of California.

In connection with the foregoing truly encouraging exhibit of the financial condition of the State, I cannot refrain from expressing the hope that you will, during the present session, by the passage of judicious enactments, warrant the announcement that California has not only made ample provision for the speedy payment of her entire debt, but has also matured and adopted salutary reforms, so far lessening necessary and legitimate State expenditures, as to render entirely unnecessary, in the future, the contraction of indebtedness by her agents, or the levying a tax exceeding thirty cents on each one hundred dollars of valuation for the support of Government.

Prompt and judicious action on your part, being alone now wanting to secure all that is desired in the premises, I sincerely trust that you will, without delay, consummate measures so much required, and thus, fully realize the cherished expectations of our common constituents.

INDIAN WAR DEBT.

The debt incurred by the State of California, in the defense of her citizens against Indian outrages, in the years 1850 and 1851, to the amount of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents (\$924,259 65,) being the entire amount, including interest, adjusted up to the 27th day of December, 1852, was, at the last session of Congress, assumed by the General Government. The section of law assuming this debt reads as follows:

SECTION 3. *And be it further enacted:* "That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the amount of expenses incurred by the State of California, in the suppression of Indian hostilities within the said State prior to the first day of January, Anno Domini 1854, and that the amount of such expenses, when so ascertained, be paid into the Treasury of said State; *provided*, that the sum so paid, shall not exceed in amount the

sum of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents (\$924,259 65), which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

The accounts and vouchers necessary to enable the proper Department of the General Government to settle the War Debt under the foregoing section of law, should all, without delay, be carefully prepared and forwarded to Washington City.

All the correspondence in relation to the subject is herewith transmitted, marked B.

By reference to the report of the Controller of State it will be seen that on the 20th of December, 1854, the War Debt, interest included, amounted to the sum of - - - - - \$1,030,530 33
Amount appropriated by Congress, - - - - - 924,259 65

Excess over appropriation, - - - - - \$116,280 68

Congress having assumed the debt and directed the Secretary of War to examine into and settle the same, will unquestionably provide for the payment of the balance. Indeed, I have ever regarded the entire War Debt as an *apparent*, rather than *real* debt of the State, the General Government being clearly liable for the payment of every cent of it.

CUSTOM HOUSE BLOCK.

In accordance with the provisions of a law passed by the last Legislature, I selected an Appraiser on the part of the State who, in connection with the Appraiser-General of the United States on the Pacific coast, was required to assess the cash value of the property known as the Custom House Block, situated in the city of San Francisco.

The appraisers fixed upon three hundred thousand (\$300,000) dollars as the cash value, one half of which amount, one hundred and fifty thousand (\$150,000) dollars, the Executive was authorized to receive from the Government of the United States, in payment for the same, and in the name of the State, execute a deed to the General Government for the property. On the seventh of September, 1854, the money was paid by the Hon R. P. Hammond, agent of the General Government, in accordance with law, and the deed duly executed. Copies of the correspondence on the subject, as well as the receipt for the money given to the Governor by the Comptroller of State, are herewith transmitted (marked C) for your examination.

SAN FRANCISCO WATER-FRONT.

In my Annual Message of the year 1853, I recommended that an examination be made, with a view to ascertain whether the Water-Front of the City of San Francisco, as defined in the Act of March 26, 1851, could be extended "without injury to the harbor." at the same time expressing the opinion that the right of the State to dispose of this character of property—where it could be done without injury to commerce—was clear and undoubted.

In my Annual Message of the year 1854, and subsequently, in several special communications, the importance of extending the Water-Front of the City of San Francisco, at points where it could be done without injury to the harbor, was earnestly commended to the favorable consideration of your immediate predecessors.

Although fully satisfied that the rapidly increasing commerce of San Francisco, will, in a very few years, require for its accommodation, an extension of the entire Water-Front of the city, and that it can and will be consummated without the least

injury to the harbor, it would, perhaps, for the present, be advisable only to authorize it at the several points where all now concede it may be safely done.

The extension at points, as proposed, although but partial, will, it is believed, place under the control of the agents of the State, a sufficient amount of property, if judiciously disposed of, at proper intervals, to liquidate the balance of her indebtedness.

Having heretofore, in Annual and Special Messages addressed to the Legislature, fully and unreservedly discussed the measure of extension and all the questions involved, it is now deemed unnecessary to do more than commend the subject to your favorable consideration, referring you to official papers presented to your predecessors, for any additional information you may desire in the premises.

LIQUIDATION OF THE PUBLIC DEBT.

I have, heretofore, again and again urged the Legislature to provide for the sale of a sufficient amount of the property of the State to liquidate her entire indebtedness, and you will permit me here to remark that the people confidently anticipate that this recommendation, during the present session, will be effectually sanctioned by judicious legislation. Indeed, no good reason has been, or can be assigned, why they should longer be burthened with taxation to meet accruing interest upon a debt which we have ample means, legitimately within our reach, to liquidate as rapidly as the out-standing bonds of the State can be called in and cancelled.

Of the amount of seven per cent Bonds now out-standing, one million three hundred and eighty-nine thousand five hundred dollars were issued under the Act of 1852. These Bonds will not be fully due until the first of March, 1870,—fifteen years hence.

Should we fail to make provision for their redemption, and the Bonds issued under the Act of 1852 remain unpaid until maturity, it will require ninety-seven thousand two hundred and sixty-five dollars per annum, to meet the accruing interest, amounting in the aggregate, in fifteen years, to the sum of one million four hundred and fifty-eight thousand nine hundred and seventy-five (\$1,458,975) dollars; being sixty-nine thousand four hundred and seventy-five (\$69,475) dollars more than the debt at this date, leaving the principal still unpaid.

Ninety-seven thousand two hundred and sixty-five (\$97,265) dollars is a large sum to be collected annually, and as I believe, unnecessarily, from the people; unnecessarily, because we have ample means which can and should be applied in the liquidation of the debt, instead of exhausting the resources of the people by direct taxation to meet accruing interest.

The entire real property possessed by the State is pledged by solemn acts of legislation, for the payment of the principal and interest of these and similar bonds, and should their redemption be deferred until maturity, the people will have been compelled to pay by direct taxation, an amount greater than the principal; leaving that principal to be canceled from the proceeds of the sale of the same lands which are now proposed to be sold for that purpose.

The entire amount of interest which will have accrued in after years as above shown, will be one million four hundred and fifty-eight thousand nine hundred and seventy-five (\$1,458,975) dollars.

It is believed, that by proposing to pay the principal—together with a premium of twenty per cent—holders can be induced to surrender all the Civil Bonds of the State issued under the Funding Act of 1852.

This premium of twenty per cent., which perhaps, would be sufficient, in the aggregate, would amount to two hundred and seventy-seven thousand nine hundred (\$277,900) dollars, being considerably less than one-fifth of the amount of interest, which will have accrued on the Bonds if not redeemed until fully due; saving to

the people of the State the large sum of one million one hundred and eighty one thousand and seventy-five (\$1,181,075) dollars.

The liquidation of our entire debt, at this time, as proposed, would not only save to the State a large sum of money, and justify a reduction of taxation, at the present session, equal to at least thirty cents on each one hundred dollars of assessment, but it is confidently believed, would in other important respects, promote immensely the prosperity of California.

The announcement to the world that this, the youngest member of the Confederacy, with her vast and unequalled resources of individual and State wealth, is exempt from public debt and consequently free from onerous taxation, would, it is believed, largely increase the immigration to our shores of a hardy, industrious and enterprising population, thus opening new sources of commerce and wealth, and forming a powerful and much needed element in the destiny of prosperity and greatness which awaits this young State.

CIVIL FUND

In my last two Annual Messages, the attention of the Legislature was invited to the importance of an efficient effort being made to obtain from the General Government the entire amount of the "Civil Fund," the collection of which was begun in the early part of the year 1847.

This fund, amounting to more than a million of dollars, I then believed rightfully belonged to the State of California, but as the Supreme Court of the United States has since decided against the claim of the State, and ordered its payment into the National Treasury, I would now respectfully suggest the propriety of memorializing Congress to refund to the State the amount expended for Civil Government, by the people of California, between the 15th day of December 1849—the date of the assembling of the first Legislature—and the admission of the State into the Union on the 9th day of September, 1850.

Congress, it is well known, neglected to establish a territorial form of government for California, and her people, controlled by urgent necessities, were compelled to organize a government for themselves, and at a time, too, when the services of men, as well as materials and all the necessities of life, commanded extravagant prices. Had Congress succeeded in establishing a territorial form of government in California, all the expenses then incurred would, as a matter of course, have been paid from the national treasury, instead of forming, as it did, the foundation of an enormous debt to be borne by the people of this State. This being conceded, as it must be, I can see no good reason why Congress should refuse to refund to the State of California the amount expended for civil government, prior to her admission into the Union.

All the other new States of the Confederacy, Texas alone excepted—and even in her case the General Government, in consideration of her relinquishment of claims to public lands in New Mexico, assumed her then existing liabilities to the amount of ten millions of dollars—have cost the United States large sums of money for civil government, before their admission into the Union; and like expenditures would certainly have been required for California, if Congress had not failed to legislate for the wants of her people.

The failure of the General Government to perform a plain constitutional duty, rendered it imperatively necessary for the people of California themselves to act in the premises, and in so doing, heavy expenditures were made, the full amount of which, with interest, I maintain, should be refunded to the State.

The amount expended by the State prior to her admission into the Union, I have no doubt, can be obtained during the present session, if proper representations be made to Congress. In order to effect this important object, I would respectfully recommend that a certified statement of the expenditures be prepared and forwarded,

without delay, to our delegation in Congress, accompanied by a memorial setting forth the facts of the case, and asking the General Government to refund the same.

AMENDMENT OF THE CONSTITUTION.

With a view to lessen the expenditures of Government, and justify a proportionate reduction in the rates of taxation, I respectfully renew, and earnestly invoke your attention to the recommendations made in my Annual Messages of the years 1853 and 1854, in relation to amendments to the Constitution of the State, which are regarded as highly necessary and important.

Some of the proposed amendments, as remarked in my last Annual Message, are deemed necessary, in order that the instrument may the more perfectly conform to the spirit of our popular form of government, others, as conducive to simplicity and economy in the administration of its affairs.

By the adoption of the reforms proposed in my Annual Messages of 1853 and 1854, it is believed that an annual saving to the State will be effected, exceeding in the aggregate the sum of three hundred and fifty thousand two hundred dollars, as follows, viz:

By biennial sessions of the Legislature.	-	-	-	-	-	\$171,000	00
By reducing pay of members, to eight dollars per diem, and mileage							
one-half	-	-	-	-	-	110,000	00
By limiting session to ninety days,	-	-	-	-	-	43,200	00
By reducing cost of transportation of prisoners, from one dollar to							
fifty cents per mile,	-	-	-	-	-	10,000	00
By reducing Governor's salary to six thousand dollars,	-	-	-	-	-	4,000	00
By reducing salary of Supreme Judges to six thousand dollars,	-	-	-	-	-	12,000	00
							\$350,200 00

In engrafting on the Constitution the amendments believed necessary, I would again recommend the mode prescribed in the first section of the tenth article of that instrument.

By adopting this mode of amendment, the expense of a convention, amounting to not less than three hundred and fifty thousand dollars, and the excitement incident, will be avoided, and the changes required to free the Constitution of objectionable features, secured in a shorter period of time than by the other mode, provided in the second section of the same article.

LEGISLATIVE EXPENSES.

In connection with the foregoing suggestions in relation to economy and reform in the administration of the State Government, I feel called upon earnestly to urge upon you the importance of a general curtailment of Legislative expenditures.

The great importance of retrenchment in this particular, is apparent, and, I trust, will engage your attention early in the session, and every unnecessary expenditure dispensed with.

The attention of the last Legislature was invited to this as well as to many other of the recommendations herein presented, and the importance of a thorough system of reform, and a consequent reduction of taxation urged upon their consideration, as demanded by the wants and necessities, as well as by the almost united voice of the people.

But most of them having failed to receive favorable action, much dissatisfaction, as was anticipated, has, since the adjournment of your predecessors, been manifested by our common constituents, who now confidently look to the present Legislature for retrenchment in the expenditures of government, and that relief from excessive taxation, which their Representatives at former sessions have neglected to provide.

FEES OF OFFICE.

During the past year this important subject has, to a great extent, occupied the attention of the people at large, and there can be no question that a very great majority ardently desire a careful and complete revision of the Act of May 1, 1851, entitled "An Act to regulate the fees of office."

The fees now authorized to be collected under the existing laws, are regarded by the disinterested and well informed as so exorbitant as to amount, in some cases, to an absolute denial of justice.

Fees of office, in my opinion, should be sufficient to fully compensate the officer, and secure the services of trustworthy and competent men; but not, as at present, so onerous, as in some cases to seriously interfere with the free and certain administration of justice, and, in all, to amount to an oppressive tax upon the people.

The laws should be so cheaply administered and executed, as to place full and ample justice within the reach of all, and insure to every citizen a fair hearing in all the judicial tribunals of the country.

The operation of the twenty-fifth section, which authorizes officers in certain cases to refuse service, unless the fees are paid in advance, is believed to be unjust and oppressive, substantially depriving the poor citizen, who may be unable to advance the amount of fees required, of that free and equal justice which should be meted out, alike to the rich and poor. Misfortune and poverty in such case may be made the excuse for a deprivation of rights, which, in the name of law and justice, all should be enabled to demand.

The thirty-third section is also objectionable, as being vague and uncertain. The law should be more definite in its provisions, and a specified sum fixed to be allowed for every service performed.

In fact, the law of 1851 should be amended in many respects, but the most important change demanded, is a reduction of the fees of office to a fair standard.

The services for which fees are allowed can now be performed at much less expense to the officer than at the date of the passage of the act, and there exists no good reason why a reduction should not be made; on the contrary, every consideration of regard for the interests and wishes of the people, demands a speedy relief from this burthen of taxation.

The subject is, therefore, without further remark, commended to your careful and favorable consideration.

In this connection, I would also respectfully recommend the repeal of so much of an Act entitled "An Act to regulate proceedings in civil cases in courts of justice in this State," as relates to attorneys' fees, leaving such fees, in all cases, matter of contract, and payable by clients.

SWAMP AND OVERFLOWED LANDS.

By the Act of Congress, approved September 28, 1850, entitled "An Act to enable the State of Arkansas and other States to reclaim swamp lands within their limits," it is provided, "that to enable the State of Arkansas and other States to construct the necessary levees and drains, to reclaim swamp and overflowed lands therein, the whole of these swamp and overflowed lands made unfit thereby for cultivation, which shall remain unsold at the passage of this Act, shall be and the same are hereby granted to said State."

"The Act makes it the duty of the Secretary of the Interior, as soon as practicable, "to make out accurate lists and plats of the lands described as swamp and overflowed," and "transmit the same to the Governors of the several States interested, and at the request of the Governors, cause patents to be issued to the States therefor, and on the patent so issued, the fee simple shall vest in the State, subject to the disposal of the Legislature thereof." And it further provides, "that in

making out lists or plats of the lands aforesaid, all the legal subdivisions, the greater part of which is wet and unfit for cultivation, shall be included in said lists and plats, but when a greater part of a sub-division is not of that character, the whole of it shall be excluded."

The fourth section of the Act extends its provisions to each of the other States of the Union containing swamp or overflowed lands.

This important subject has engaged the attention of all the other States interested, In Ohio, Indiana, Louisiana and Florida, selections have been made, based upon evidence filed in the offices of the Surveyors-General, by the State authorities. In Illinois, Missouri, Alabama, Mississippi, Michigan, Arkansas, Iowa and Wisconsin, selections have been made by the Surveyors-General, based upon the field notes and evidence procured by the State authorities. Although in several of the States above-named full returns have not been made, the whole number of acres selected and reported by the Commissioner of the General Land Office in 1853, is thirty-five million seven hundred and ninety-eight thousand two hundred and fifty-four (35,798,254) acres, as follows: Ohio, twenty-five thousand six hundred and forty (25,640) acres; Indiana, one million, two hundred and eighty-six thousand eight hundred and twenty-seven (1,286,827) acres; Illinois, one million eight hundred and thirty-three thousand four hundred and twelve (1,833,412) acres; Missouri, two million one hundred and seventy eight thousand seven hundred and sixteen (2,178,716) acres, Alabama, two thousand five hundred and ninety-five (2,595) acres, Mississippi, one million eight hundred and twenty-four thousand eight hundred and twelve (1,824,812) acres, Louisiana, nine million seven hundred and seventy-one thousand two hundred and seventy-five (9,771,275) acres; Michigan, six million seven hundred and eighty-eight thousand one hundred and twenty-four (6,788,124) acres; Arkansas, eight million six hundred and ninety thousand and sixteen (8,690,016) acres, Iowa, seventy-one thousand nine hundred and fifty-seven (71,957) acres; Wisconsin, one million two hundred and fifty-nine thousand two hundred and sixty-nine (1,259,269) acres, Florida, two million sixty-five thousand two hundred and sixty-nine (2,065,269) acres. (*Vide* President's Message and accompanying documents, 1853 and 1854, part first, p. 109)

The authorities of the United States, in the designation of swamp or overflowed lands, in the absence of other satisfactory evidence, will take the field notes of the surveys *alone* as the basis from which to make out lists or plats.

Selections, based upon the field notes alone, must necessarily be very imperfect, and would deprive the State of California of a large portion of the best land to which she is entitled under the act; for the reason, that the surveys may have been made at different periods, in wet and dry seasons, and the field notes would therefore only indicate what is swamp, and what lands were actually *under water* at the time of survey. The field notes made in dry seasons would of course furnish no evidence as to whether lands are, or are not, *subject* to overflow.

The instructions of the Commissioner of the General Land Office, issued on the 21st of November, 1850, direct the several Surveyors-General to regard as granted by the act above referred to, "all lands which from being swampy or subject to overflow," are unfit for cultivation, and in which are to be included also, "all lands which, through any part of the year, are subject to inundation at the *planting, growing or harvesting seasons*, so as to destroy the crop, and therefore are unfit for cultivation; taking the average seasons for a reasonable number of years as the rule of determination."

In order to secure to the State of California all the lands within her limits *subject to overflow*, and to which she is justly entitled under the act of September 28th, 1850, it will be necessary, in case of a refusal on the part of Congress to cede to her all the public lands within her limits, to authorize the agents of the State to procure and present to the proper officers of the General Government, satisfactory testimony on the subject.

Although a considerable portion of these lands are at present generally regarded as of but little value to the State, there is reason to believe that they will yet be a source of much revenue to the treasury, and their reclamation add greatly to the wealth and prosperity of California.

In this connection, it may not be improper to state that experiments, now being made in the Atlantic States, will, if successful, not only create a demand for these lands, but necessarily greatly increase their value. A great portion of the land acquired by the State under the Act of September, 1850, as is well known, is covered with a luxuriant growth of *Tule*, indigenous to the soil, and averaging at least two tons to the acre.

During the past autumn, this *Tule* has been carefully examined by experienced manufacturers, and the opinion expressed, that paper of good, if not superior quality, can be manufactured from it.

There is every reason to believe that the expense of bleaching would be comparatively small, as the stalk of the *Tule*, when ripe, and before discolored by rain, is nearly white. Being coated with a heavy and strong fibre, and internally filled with cellular tissue with numerous strong longitudinal fibres, it is believed to possess all the necessary qualities required.

Several parcels of *Tule* have been forwarded to paper manufacturers in the Atlantic States, for the purpose of testing, by actual experiment, its adaptation to the manufacture of paper, and we shall soon learn the result of these interesting and important experiments.

In order to be enabled to properly appreciate the importance of this experiment, should it prove successful, it is only necessary to state a few facts in connection with the same.

The average price, in the Atlantic States, of the material from which printing paper is now manufactured, is about six cents per pound. At two cents per pound, or one third the present market price of rags, each acre would yield at least eighty dollars (\$80 00), or twelve thousand eight hundred (\$12,800 00) dollars to each one hundred and sixty acres, and this, too, without incurring any expense except in collecting it in the fall season, after it has fully ripened.

Whatever may be the result, however, of the experiments now being made, as to first quality of printing or letter paper, no doubt is entertained by the experienced men who have examined the subject, that paper of medium quality can be manufactured from the *Tule*.

This subject is regarded as one of sufficient importance to California to induce you to adopt measures to provide for full and fair experiments, so as to ascertain, at an early day, with certainty, whether this spontaneous product of our soil can be substituted for rags in the manufacture of paper.

Should these prove successful, California will not only be possessed of an additional source of wealth, but will be enabled to supply another deficiency so seriously felt at present throughout the civilized world.

I would, therefore, recommend the adoption of proper measures to secure all the lands granted, and also judicious legislation for their disposal by agents of the State, with such limitations, restrictions and requirements as may be regarded necessary to protect the rights of all interested.

Since the donation of these lands to the State in September, 1850, hundreds of enterprising citizens have located upon them, and at considerable expense and labor, made valuable improvements.

Justice to those who have thus heretofore made locations, as well as to induce others hereafter to make similar selections and improvements, requires legislative action to secure occupants in their possession, on the most liberal terms consistent with the requirements of the act of Congress. In truth, the more liberal the terms, so as to effectually secure the object of their donation, the more certain and prompt will be their reclamation and improvement.

I have heretofore recommended the donation of swamp and overflowed lands to actual settlers, in fixed quantities, upon the same terms that the State receives them from the General Government, and would still favor that plan, if it were possible, by individual enterprise, to secure compliance with the act of Congress, and by the construction of levees and drains, effect their reclamation.

But consultation with persons now located upon the overflowed lands, as well as more careful examination and reflection, have satisfied me, that, in order to secure fully the accomplishment of the object of their donation, it will be necessary to establish a fixed price per acre, not exceeding one dollar, and authorize warrants to be issued, for fixed quantities, as was done in the case of the School Lands.

In this manner, I am induced to believe, sales to the amount of more than half a million of dollars, can be made during the next year.

The fund thus realized, the Legislature could either set apart to be applied in the reclamation of these lands, or use it for other purposes, as is now the principal derived from the sale of the School Lands, and set apart the interest, not exceeding five per cent. per annum, as a fund, to be known as the "Reclamation Fund."

This mode of disposing of these lands, it is believed, would, in a comparatively short period of time, enable the State to carry into effect some well devised and economical plan of operations, by means of drains and levees, which would effectually reclaim and secure against overflow, more than one-half, and, perhaps, as much as two-thirds of the amount, which the State will obtain under the act of September, 1850.

Early action on your part, is deemed important, not only on account of the realization of a large fund from the sale of these lands, and the opening to the enterprise and industry of our citizens, of a vast amount of the richest and most fertile soil within the State, but their reclamation and settlement would also add greatly to the substantial wealth of California, and be a continuous and ever increasing source of revenue for the support of Government.

In providing, however, for the disposition of these lands, in the manner proposed, permit me to suggest the propriety of exempting from location by warrant under the law, all such lands, whatever, within one mile of the corporate limits of either of the cities of San Francisco, Sacramento, Stockton, or Marysville.

This character of lands situated in the immediate vicinity of the cities named, is believed to be more valuable, and the entire proceeds of its sale, at a fair price, should accrue to the State, and the amount derived applied in the same manner as the funds realized from the sale of overflowed land warrants.

I would further suggest the necessity of stringent restrictions so as to guard against speculation, and secure these lands, as far as possible, to actual settlers.

PUBLIC LANDS IN CALIFORNIA.

A careful examination of the subject has fully satisfied me, as it must all who will give it consideration, that the interests of both State and Nation will be best subserved by a cession to the State of all the public lands in California.

The policy of making the public lands a source of revenue to the General Government, has, for the last quarter of a century, been opposed by many of our wisest statesmen, as contrary, not only to the true interests of the people, but of the Government itself.

The plan of disposing of them at a cost barely sufficient to defray the necessary expenses of the land office, of survey, etc., thus placing a homestead within the reach of every man at a mere nominal price, has not only been regarded with favor by the people, but has shaped and moulded the character of our laws in relation to the public domain.

But even if this were not true, it can easily be shown that, as a question of economy on the part of the General Government, and without reference to the vast

benefits which would accrue directly to California, and indirectly to the whole Union, the cession of the public lands deserves the favorable consideration of Congress.

The completion of the surveys, necessary to enable the agents of Government to separate from the public domain the lands claimed under Spanish and Mexican grants, and the lands heretofore donated to the State, by Congress, for various objects, including those subject to overflow, all of which must be separated, and by distinct lines set apart from the public domain, will, it is believed, cost the General Government a sum of money greater than can, or ever will be, realized from the sale of the remainder.

If, then, it be true, as is believed, that but little, if any revenue will be secured to the United States by the retention of these lands, there certainly exists no good reason why Congress should refuse to cede all of them to the State.

Indeed, if any considerable amount of revenue were expected or desired to be derived from the sale of these lands, to be shared in by the people of other portions of the Union, or to be expended for the general good, there might, perhaps, be some reasonable ground for a refusal to cede to the State, and California herself would not murmur at the sacrifice of her interest, should it be required to advance the prosperity of her sister States.

As no such sacrifice, however, is deemed necessary, and as it is believed no well founded objection can be urged, I doubt not the General Government can be induced to accede to our wishes in this respect, if proper representations be made through our delegation in Congress.

Not only is it quite certain that revenue will never be derived from the sale of these lands, over and above expenses incurred in survey and sale, but the right of the General Government to dispose of them without the assent of the State, is doubted by many.

Without, however, pretending in this communication to advance an unqualified claim on the part of the State to the public lands within her limits, it may not be improper, in this connection, to advert briefly to facts connected with the organization of her government and admission into the Union.

The people of California, after the acquisition of the territory from Mexico, in the absence of that protection to which they were entitled at the hands of the General Government, and which their necessities so imperiously demanded, regularly organized a State Government without the consent, and for aught they knew, in opposition to the wishes of Congress.

In the year 1849, delegates, chosen by the people, assembled in convention and framed a constitution, which on the thirteenth day of November, of the same year, was adopted by the people.

In the month of December, 1849, the Legislature, chosen on the day the Constitution was adopted, assembled in the city of San Jose, and all the enactments necessary to secure the rights of persons and property, and promote the general welfare were passed.

Up to the period of the organization of the State Government, we were a community, or rather a collection of persons, without law, and therefore, not possessed of that sovereignty which is only acquired by a State, either at the origin of the civil society of which it is composed, or when it separates itself from the community of which it previously formed a part, and on which it was dependent.

This separation, for all purposes of sovereignty, independence or jurisdiction, was fully consummated in the organization of the State Government, and a revolution accomplished, peaceful, it is true, yet as complete and entire as though it had been the result of a protracted, fierce and bloody conflict.

Thus did California—a mere appendage of the General Government pass to the proud position of an Independent State; and endowed with all the attributes of

sovereignty sought admission into the Federal Union, but was not received until the ninth day of September, A. D., 1850

California as a State *de facto*, it will scarcely be denied, was competent to exercise all the functions of an independent State, and as such, she possessed, at the time of her admission into the Union, the right of jurisdiction and eminent domain as fully, and to the same extent, as Texas, or any of the original thirteen States of this great Confederacy. And that California, as a State *de facto*, from the date of her organization as such, until her admission into the Union, did exercise all the powers of an Independent State, including jurisdiction over all the domain within her limits as prescribed in the Constitution, is matter of record, which cannot, and it is presumed, will not be denied.

This being admitted, the remaining question to be decided is, whether she has since, or in any manner, divested herself of the power she possessed over the public domain within her limits at the time of her admission.

It is true that the act of admission declares it to be upon the express condition that "she shall never interfere with the primary disposal of the public lands within her limits;" but it is contended, and I would here remark, with more than mere plausibility, that inasmuch as California has never in any express or authorized form assented to this condition, as demanded by Congress, she has not in any manner relinquished her right to the public lands, having come into the Union with a republican form of government, as required by the Constitution, and on an equal footing with the original States.

If it be true that the eminent as well as the useful domain is an attribute and muniment of sovereignty, and that the existence of a State, *de facto*, establishes its sovereignty *de jure*, it would seem to be clear that the assent of the State must be given by her Legislature, to render obligatory upon her the condition in relation to the public lands contained in the Act of Congress admitting her into the Union.

While, however, it is true that the State, through her Legislature, has never in express terms assented to a condition divesting her of substantial and important rights, Congress, on the other hand, without question, admitted her Senators and Representatives, with a full knowledge that the State had not assented to the condition, thus, to some extent, tacitly yielding the right of the General Government to insist on the acquiescence of the State.

I would remark, however, in conclusion, that the claim of the State is here presented, not so much for the purpose of asserting what may be her just rights, as of establishing the fact, that California, although possessed, as believed by many, of a valid claim to the public lands within her limits, has, heretofore, silently acquiesced in what seemed to be the policy of the General Government, rather than assert claims, however well founded, which might possibly result in an unfortunate clashing of interests between the National and State authorities.

It is presumed that these considerations, and others suggestive therefrom, will be sufficient to induce you to memorialize Congress to relinquish to California any claim the General Government may assert to title to the unsold public lands within her limits, with such restrictions as may be deemed necessary for the protection of persons now in possession of the quantity allowed by law, and to prevent, as far as possible, these lands from passing into the hands of speculators, instead of becoming the property of actual settlers, who should, at all times, be secured in their homesteads.

PROTECTION TO ACTUAL SETTLERS.

Judicious legislation for the protection of actual settlers on the public domain, is a subject of deep interest to a large and enterprising portion of our fellow citizens. It is demanded by the wants of the people—and by the present unsettled condition of land titles is rendered actually necessary to the permanent welfare of the State.

More perfect security in the homestead is required to insure the complete development of the agricultural resources of the State, and secure the prosperity and happiness of her citizens.

To inspire confidence among the people—that their labor, capital and enterprise in making useful and necessary improvements are not expended in vain, and that their just rights will be guaranteed them—timely and judicious legislation on your part would seem to be absolutely necessary.

Most of the States of the Confederacy—it is proper in this connection to remark—have extended protection to the actual settler, as you will discern by reference to the Revised Statutes of Illinois, page 211, Hutchinson's Mississippi Code, page 856, Revised Statutes of Texas, pages 969 and 970; Clay's Digest of the Laws of Alabama, pages 320 and 321, Thompson's Digest of the Laws of Florida, page 187, Revised Statutes of Ohio, pages 696 and 696. Revised Statutes of Indiana, page 800; Pennsylvania Digest, by Dunlap, page 969, Revised Statutes of Missouri, page 444 and 445.

As I have, heretofore, in Annual and Special Messages, urged upon your predecessors the great importance of favorable action on this subject, it is now deemed unnecessary to do more than to refer you to recommendations, by me heretofore made, and commend them to your serious and early consideration.

COMMON SCHOOL EDUCATION.

The great and growing importance of an efficient system of Common School Education, embracing in its benevolent and comprehensive design the whole people, irrespective of condition in life, I rejoice to be enabled to assure you, is properly appreciated by the citizens of this young State—as the progress made during the past year in its organization abundantly demonstrates.

The increase in the number of Schools organized and children in attendance exhibit a state of things truly gratifying to the friends of popular education, and evidences the fact that our people are fully alive to the importance of early education, and not unmindful of the many real blessings of which alone it is the source.

The education of the youth of the State is with me a subject of much solicitude, and is regarded as the only sure foundation on which is to be reared and upheld the fabric of our free institutions. The intelligence and virtue of the people, nearly allied as they are, may be justly esteemed the main stay of our republican government, and the perennial spring whence issue the streams of enduring prosperity and happiness.

If the masses, whose will alone *directs* and *controls* the action of their representatives, be not properly educated and well informed, our whole system of government—devised as it is, for the happiness of the people and the prosperity of the nation—must totter to its fall, leaving only the broken fragments of a glorious Union, as the relic of a once mighty people. Liberty and intelligence are so indissolubly united, that the want of the one is the inevitable prelude to the downfall of the other. In vain may we boast of the living principles of eternal liberty as embodied in our constitutions, in vain point to the brilliant and heroic deeds of our forefathers, or to the greatness, glory and prosperity of this Republic, if our citizens appreciate not those principles and those examples, as can only the minds of an intelligent and virtuous people.

In view, then, of the vast and manifold results dependent on a well devised and general system for the dissemination of useful and necessary knowledge, it is hoped that you will not only adopt such measures as will secure to the State all the means legitimately within her reach and applicable to the cause of education, but by judicious legislation provide for the establishment of a system, amply sufficient for the present wants and future growth of this young State.

To the benediction of the General Government, and the wise provisions of our

State Constitution, we are much indebted for the possession of the most ample means, applicable alone to the support and maintenance of an extended system of common school education.

As a means for the dissemination of useful knowledge and the education of the entire people, it is, perhaps, needless to remark, that the system of Common Schools stands in the first rank, and is superior to any other, as yet devised, for the distribution of the bounty of the State, for which she is so fully compensated in the increased intelligence and virtue of her citizens.

California, happily, is possessed of means amply sufficient to sustain a system of popular education greatly superior, in many respects, to that enjoyed by any of her sister States—a system entirely adequate to extend the blessings and bounties of knowledge to every family within her limits.

In the wisdom of benign Providence, the air we breathe is pure, and free to all; the rain and the dew-drop fall alike on the rich and the poor; the flower of the field and the lily of the valley, with their beauty and fragrance, cheer and gladden the hearts of the high and the lowly,—even as the blessings of high Heaven are shed upon us, should we dispense the bounties committed to our care, and unseal the fountains of knowledge, that all, from the least to the greatest, may drink freely from its bright waters, and “without money and without price,” partake of the rich blessings of universal, unrestricted education.

In our highly favored land, education should be no monopoly to be enjoyed only by the favored few, while the many, the great heart and strength of the nation, are permitted to remain in unblessed ignorance; but its bounties should, with an unsparring hand, be dispensed freely to all.

It is your duty, with the means at your command, to adopt and mature that system which will the more effectually carry out the beneficent designs of government and the will of the people. I, therefore, feel called upon in this connection to invite your attention to the great importance of immediate legislative action, in order to secure to the State all the lands donated for educational purposes—the rich heritage bequeathed to her children.

Under an Act of Congress, approved September 4, 1841, the State is entitled to five hundred thousand acres; and the amount to which she is entitled under the Act of March 3, 1853, as estimated in the Report of the Commissioner of the General Land Office for the year 1853, is six million seven hundred and sixty-five thousand five hundred and four (6,765,504) acres—(vide Presidential Message and Documents, 1853—4, part 1, page 108); from which is to be deducted forty-six thousand and eighty (46,080) acres, donated for a Seminary of Learning, and six thousand four hundred (6,400) acres granted for Public Buildings; leaving a balance of six million seven hundred and twelve thousand nine hundred and twenty-four (6,712,924) acres, and making a total of seven million two hundred and twelve thousand nine hundred and twenty-four (7,212,924) acres, appropriated for the benefit of Common Schools.

Of the five hundred thousand acres donated by the Act of 1841, two hundred and thirty-one thousand six hundred and eighty (231,680) acres have been sold at two dollars per acre, leaving the balance of the five hundred thousand acres, and the sixteenth and thirty-sixth sections to be selected and set apart for the benefit of the State, to be applied in the future to the maintenance of our Common Schools.

The unsold lands, if disposed of at one dollar and twenty-five cents per acre, will yield to the School Fund the sum of eight million seven hundred and twenty-six thousand five hundred and fifty-five (8,726,555) dollars. At seven per cent, this sum would yield an annual interest of six hundred and ten thousand eight hundred and fifty-eight dollars and eighty-five cents (\$610,858 85). To which add thirty-two thousand four hundred and eighty-six dollars and thirty-seven cents (32,486 37,) accruing on the amount derived from sales of land heretofore made, and we have a grand total of six hundred and forty-three thousand, three hundred and forty-five

dollars and twenty-two cents (\$643,345 22), to be applied annually to the education of the children of the State. Such is the princely legacy awaiting the next and succeeding generations, unsurpassed by any of the States of the Confederacy, and perhaps not equalled by the endowment of any throne, principality, or kingdom of the old world.

But unless early and decided action on your part be taken to secure the speedy selection of these lands, there is great reason to fear that the State will be deprived of the greater part of them, and the cause of popular education in California thereby greatly retarded.

The decision of the proper department at Washington, as well as the agents of the General Government in California, that, under the provisions of the Act of Congress approved March 3, 1853, School Land Warrants issued by the State cannot be located on *unsurveyed* lands, has, to a very great extent, prevented the sale of these warrants during the past year, and rendered legislative action necessary to secure to the State her rights.

Prompt and decided action on your part is imperatively demanded; otherwise the State may be for ever deprived of these lands, and the realization of the cherished expectations of the friends of popular education in California postponed for many years, if not entirely blasted.

The existing law may require modification to render action under it efficient in the protection of the rights of the State, and uniform in its operations, and if so, I have no doubt that all the changes required will be suggested by the Superintendent of Public Instruction in his Annual Report, which is commended to your especial consideration.

In 1853, the whole number of Public Schools was 51; number of Teachers, 57; number of Children reported, 10,953; number attending School, 4,193.

In 1854, number of Schools, 167, being an increase of 116; number of Teachers, 213—increase, 156; number of Children reported, 20,075—increase, 9,122; number attending School, 9,773—increase, 5,580.

ESCHEATED ESTATES.

Although I have heretofore, and more than once, invoked the Legislature to adopt the measures necessary to secure for the State, the Leidesdorff and other estates, believed to have escheated to the State of California, amounting, in value, in the aggregate, to more than TWO AND A HALF MILLIONS OF DOLLARS—the recommendation has not as yet, in any effectual manner been sanctioned, and the agents of the State have been left without the necessary means to secure the rights and protect the interests of the people in this highly important matter.

During the recess, however, the acting Attorney-General, under my direction, has carefully examined these cases with a view to institute legal proceedings in the name of the State. This examination, I would here state, has been satisfactorily made by the efficient officer charged with its performance: and in the case of the estate of Augustus Deck, legal proceedings have been commenced in the District Court of the Seventh Judicial District.

This estate is valued at one hundred thousand dollars, and it is presumed that the Court will appoint a Receiver, to collect and take charge of the accruing rents, until the case shall have been finally decided.

During the past month, another, the estate of Jacinto El More, much more valuable, and believed to have escheated, has been discovered by the agents of the State, and proceedings for its recovery will soon be instituted by the Attorney-General.

A vigorous prosecution of these suits, will, I am confident, secure for California the large estates in controversy, and all the steps necessary to assert the rights of

the State in the premises would ere this have been taken by me, if the Legislature had appropriated means to employ counsel and pay costs.

Thus far, it is proper to state, I have proceeded in the matter without the appropriation of a single dollar having been made specially for that purpose.

If further proceedings are to be had, and the cases pressed to a final decision, it will be necessary for you immediately to appropriate a sufficient sum to pay Attorney's fees, costs and other expenses. A failure to appropriate an amount sufficient to defray accruing expenses, it is, perhaps, unnecessary to assure you, will compel the agents of the State, most reluctantly, it is true, to abandon the cases, and allow these and similar valuable estates, which belong to the children of California, and whose proceeds are devoted to the great cause of popular education—to be held and enjoyed by persons who are possessed of no legal or equitable title to them.

As an early and final adjudication of these cases, is, for many reasons, a matter of great importance to the State of California, it is deemed proper to direct your attention to the first part of the second clause of the second section of the third article of the Constitution of the United States, which reads as follows :

"In all cases affecting Ambassadors, other public ministers and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction."

The foregoing section, it will be seen, gives to the Supreme Court of the United States, *original jurisdiction* in these cases; the State of California being a party. To save expense, and insure a speedy and final adjudication, I think it would be well to authorize suits to be at once instituted for the recovery of the most important and valuable of these estates, in the Supreme Court of the United States.

To this course of proceeding, it is conceived, no well founded objection can be urged, and I hope that you will, without delay, pass an act designating some one of the officers of State to superintend the matter, and appropriate an amount of money sufficient to defray necessary expenses. In this manner, the rights of the State in the premises can be fully settled at an early day, and the vexations, expense and uncertainties of years of unnecessary litigation avoided.

Before, however, dismissing this exceedingly important subject, I deem it my duty to state that there is yet another mode of disposing of this question.

If unwilling to litigate these cases and have these estates declared in legal form, to have escheated to the State, you can by a carefully framed legislative enactment, direct the sale of the State's interest in them, and in the same act, or another, if deemed more proper, authorize purchasers to institute in her name, proceedings for the recovery of the property in the United States Courts, or any other of competent jurisdiction.

Careful examination of the questions involved has fully satisfied me that these vast estates rightfully belong to the State of California, and that efficient measures should, without delay, be by you adopted for their recovery.

In order to satisfy you, as well as those whom you have the honor to represent—that the value of these estates has not been over-estimated, a copy of the assessment of the Leidesdorff Estate in the City of San Francisco has been obtained from the Assessors' books, and is herewith transmitted; also a certified copy of the appraisal, from the record, and other papers, forming a complete history of this valuable estate. Exclusive of the immense estate situated in Sacramento County, the assessment—which is believed to be but little more than two-thirds of its actual value—it will be seen, amounts to the sum of one million, sixty-eight thousand, three hundred and seventy-five (\$1,068,375) dollars.

THE MINES.

I am gratified to be enabled to inform you that the substantial wealth of the State, during the year just closed, has been vastly augmented. Mining, agri-

culture, and commerce—the great interests of California—have all been greatly extended in their operations, developing more fully than in any previous year, the varied and immense advantages and resources of the State.

Throughout the mining region, extending about six hundred miles in length—from the Four Creeks to the Oregon line—and averaging not less than forty-five miles in width, many highly important and useful improvements have been made, especially in the excavation and construction of canals and ditches of great length, designed to supply with water, at all seasons of the year, locations known as “dry diggings.”

By means of these canals and ditches, water is conveyed from the principal rivers and distributed over vast districts of mining country, enabling thousands of enterprising and industrious men diligently, and at all seasons of the year, to prosecute their labors, and to increase immensely, the amount of gold annually obtained.

These improvements, now so indispensable to the rapid and complete development of our vast mineral resources, it is believed can, and, it is hoped, will be so managed in accordance with the local mining laws by those having control, as to render them alike efficient in advancing the interests of labor and yielding just returns to capital invested.

Heretofore, during the summer months, miners have been compelled to abandon valuable claims—in fact, whole districts of country—for the reason that sufficient water could not be obtained for mining purposes. But during the past year much has been done to overcome this great obstacle, and now, by means of canals and ditches, water—the necessary, in fact indispensable element in successful mining—is conveyed in abundance to the door of the miner, and it is confidently believed that in future a large portion of our mining population will be enabled to pursue their labors profitably to themselves, and to the increased prosperity of the State, throughout all seasons of the year. This is a *desideratum* properly appreciated by those of our citizens who have been compelled in former years for want of water to forsake the richest sections of the country.

From the increased facilities afforded by improvements in machinery, much advancement has also been made in obtaining gold imbedded in quartz-rock. Large and well constructed mills have been erected in various parts of the State, and immense quantities of the precious metal extracted from the numerous veins of auriferous quartz which penetrate the hills of California.

Improvements suggested by past experience in the implements used by the river, placer, and gulch miner have greatly diminished the labor heretofore rendered necessary in separating the gold from sand and rock. Indeed, we have every reason to congratulate ourselves on the many and varied improvements in all departments of mining operations, facilitating as they do the extraction of gold, developing the inexhaustible mineral resources of the State, and opening an enlarged field to the industry and enterprise of our citizens, as well as adding vastly to the already unparalleled wealth of California.

From a portion of the mining counties I have been enabled to obtain information in relation to investments made in canals, ditches and quartz machinery, as follows:

OPERATIONS IN QUARTZ.

<i>Counties.</i>	<i>No. of Companies.</i>	<i>Capital.</i>	<i>Expenses.</i>	<i>Receipts.</i>
Nevada,	5	\$700,000	\$299,870	\$716,000,00
Shasta,	1	27,000	19,200	53,000,00
El Dorado,	5	140,000	119,892	490,000,00
Amador,	6	140,000	213,166	412,000,00
Total	18	\$1,007,000	\$652,128	\$1,671,000,00

It is also known that during the latter part of the year sixteen other companies commenced operations in the following named counties, and with capital stock as below stated.

These new companies, it is understood, all commence operations with very flattering prospects of success.

	<i>No. of Miles.</i>	<i>Value.</i>
El Dorado,.....	173.....	\$380,000 00
Calaveras,.....	180.....	369,000 00
Tuolumne,.....	185.....	400,000 00
Amador,.....	129.....	298,000 00
Placer,.....	160.....	330,000 00
Nevada,.....	208.....	400,000 00
Sierra,.....	129.....	117,000 00
Total,.....	1,164.....	\$2,294,000 00

The following is the amount of gold bullion exported to Europe and the Atlantic States, as exhibited by manifest at the Custom House, San Francisco, during the years 1853 and 1854:

[illegible]

Amount and value of Quicksilver, the product of the State of California, shipped from San Francisco during the year 1854 :
 20,000 flasks, weighing 75 lbs. each, making 1,500,000 lbs., at
 fifty cents per lb., - - - - - \$750,000 00

Gold, as before stated, is to be found in more or less abundance throughout a district of country six hundred miles in length by forty-five in width. It is found in varied quantities, from the surface to the bed-rock, which is sometimes only reached at a depth of two hundred feet.

By means of these extensive and valuable improvements, water sufficient for mining purposes will be gradually distributed over the entire mining region, and millions of acres not now known certainly to possess gold, will be found to abound with the glittering ore.

Actual observation, and the experience of the past, have satisfied me that fifty years hence, when most of those now prominent on the stage of action, shall have passed away, it will be said that mining operations in California have but fairly commenced.

AGRICULTURE.

No less encouragement is to be derived from the experience of the past year in the agricultural department. While there is necessarily less improvement to be noted in implements of husbandry, yet by the industry of our citizens, the whole face of the country has been changed and its agricultural capacities fully and most successfully tested. Immense farms have been cultivated, and have yielded their fruits and grains with a productiveness unrivaled in other parts of the world, and with labor comparatively insignificant. From the extreme North to the farthest South, broad acres, fertile valleys and plains, have been transformed by the hand of culture and enterprise into immense fields of grain to meet the wants of our people, and adding immensely to the permanent wealth of the State. Large sums of money have been expended in fencing, ditching, and improving these farms, and are unmistakeable proofs of the prosperity of our people, and, also, that they are no longer mere sojourners in the land, but have determined to make this, really and truly, the State of their adoption.

The location throughout the State of families, the rearing of homes, and the permanent improvements so generally to be observed, are gratifying evidences not only of the fertility of our soil, the healthfulness of our climate, and the beauty of our scenery, but of the advancement and prosperity of the State in all the elements of true greatness and enduring wealth.

The products of the year 1854 are generally believed to be amply sufficient for the supply of the home market. I have no data before me, upon which to base an estimate of the amount of corn and oats produced. Of wheat, not less than three millions of bushels have been raised, and more than four millions of bushels of barley. Of potatoes, more than will suffice for home consumption have been produced; such is also the case as regards vegetables of all kinds, the yield during the year having been unusually large.

In the southern counties, the grape and pear crops have been exceedingly abundant, and other fruits extensively and profitably cultivated. I am also assured that extensive preparations are there being made for the manufacture of wine of various qualities and flavor.

In fifteen counties, being less than one half of the State, the beef cattle number three hundred and twenty thousand four hundred and seven, (320,407.)

The number which arrived within the last year by the overland route, is as follows:

Through Noble's Pass, twenty-four thousand and twenty, (24,020); Beckwith's, ten thousand one hundred and fifty-one, (10,151); Gila route, nine thousand and

seventy-five, (9,075); Sonora Pass, five thousand one hundred and six, (5,106); Car-on River Route, twelve thousand nine hundred and ten, (12,910); whole number, sixty-one thousand four hundred and sixty-two, (61,462)

The above statistics may be considered as nearly correct, as they were obtained from those having charge of the ferries along the several routes named, and over which, cattle coming into the country must necessarily pass.

COMMERCE, MANUFACTURES AND IMPROVEMENTS.

As a necessary consequence of the progress and prosperity of our people in other departments of industry, our commerce has extended to meet the wants of our citizens, and, advancing with equal strides, has kept pace with the other great industrial interests of the State.

The fleets of vessels which, during the past year, have entered our harbors from Atlantic ports—from South America, the Islands of the Pacific, and from the coasts of Asia and Europe, attest alike the prosperity of California and her great commercial importance. As a State which dates her organization scarce five years since, her foreign commerce, bearing the necessities and luxuries of every clime, and hailing from every port of the civilized world, stands unrivalled in the history of the past, and presages the proud position California is destined to occupy at an early day, as a great commercial State.

Situated as is California, on the confines of a continent, midway between the Indies, Asia, and the millions of Europe, with a population unequalled in intelligence, enterprise and progressive spirit, she cannot fail to take the lead of the nations of the old world, and bids fair soon to rival in commerce, her sister States of this mighty confederacy, as she already surpasses them in mineral wealth and fertility of soil.

Nor is she deficient in domestic or internal commerce. Our steamers, and thousands of minor water craft, which daily leave our wharves and ply between the several cities and towns of the State, have, during the year just closed, not only been largely increased in number, but for beauty and durability of construction, as well as their adaptation to the several trades in which they are employed, are unsurpassed in the older, but not more enterprising communities of the Atlantic.

Inland travel between all the principal parts of the State by means of stages, has also, during the year, been rendered expeditious and comfortable. Indeed, California to-day can boast of stage and coach conveyance equal, if not superior, to any of her sister States.

In supplying the wants of this extended and highly important commerce and land travel, our manufacturers, machinists, mechanics and builders have given evidence that California is able, within herself, to meet the requirements of her people. In fact for many of the water craft now employed upon our inland bays and rivers, we are indebted to the enterprise and skill of our own mechanics, as they have been entirely constructed within the limits of the State.

The progress to be noted in this particular department of trade is peculiarly gratifying to all friends of California, and speaks much for the enterprise of her people as well as the general prosperity of the State.

The immense improvements in our commercial metropolis and the cities of the interior, in the construction of extensive wharves, capacious warehouses, and magnificent marble and brick edifices equal in architectural beauty and durability to any which adorn the emporiums of the East, are unmistakable evidences of the enterprise and public spirit of our citizens who have charge of mercantile and commercial affairs.

Our people, aware that increased population, improvements and extended

trade will render necessary more rapid means of transportation for passengers and freight, fully appreciate the importance of constructing Railroads connecting the various towns and cities of the interior with those of the seaboard, and have already projected several such roads, which are now under contract, and when completed will not only be of immense advantage to our citizens, and open up vast regions of the State to cultivation and commerce, but, it is hoped and believed, will also form a link in the iron chain, which is at no distant day to bind the Atlantic with the Pacific shore.

PACIFIC RAILROAD.

The gigantic project of connecting the Pacific with the Atlantic Ocean by means of a Railroad over the continent is properly appreciated by the people of this, the youngest of the sovereign States, and it is perhaps needless to add, that their aid will be cheerfully extended to the accomplishment of the work in every form consistent with their own and the Constitution of the United States.

The wants and necessities of California eminently and peculiarly demand the speedy completion of this great work, which, when fully consummated, will not only incalculably advance all her substantial interests and add immensely to her wealth and prosperity, but will connect in interest as they are now united in feeling, the people of the extreme sections of this great confederacy.

Regarded as a national undertaking, and as the great work of the nineteenth century, it is eminently worthy of the enterprise, power and wealth of this young Republic, as a means not only of commanding the commerce of the world and the riches of the Indies—of developing the vast resources now hidden in the desert, and opening to the industry and skill of our rapidly increasing population, the interior of a continent, but as binding together with hooks of steel and iron bands, the now widely separated portions of the Union.

That it is the province of the General Government, in some form, to act upon this momentous question, is most true, but in view of its immense and universally conceded importance to the Pacific country, I cannot refrain from suggesting to you the propriety of again memorializing Congress on the subject, and giving expression to the wishes and views of the people of this State.

OVERLAND ROUTE TO CALIFORNIA.

During the past year, the subject of the construction of a Railroad, connecting the Mississippi River with the Pacific Ocean, has been sufficiently discussed to convince all that, owing to the magnitude of the undertaking and the perplexing questions mooted, many years must elapse before this desirable and highly important project will be finally consummated.

Until this great work shall have been completed, and overland travel rendered expeditions and secure, Congress should, at least, by the establishment of a sufficient number of military posts along the entire route, afford ample protection to immigrants against the aggressions of hostile Indians.

The establishment of such posts is regarded as a matter of vital importance to the interests of California, and one to which I trust you will in some form, at an early day, invite the attention of the General Government

The establishment and maintenance of a sufficient number of military stations, at intervals of seventy-five or one hundred miles, with fifty men at each post, it is believed, would afford the security required, and incur the expenditure of but a trifling sum, compared with the great and manifold advantages which would certainly result, not only to California, but to the whole Union.

This plan, it is believed, would render overland travel secure, and augment

immensely the population of California, by the immigration of families, at present so much required to add permanence and stability to our prosperity. Nor would the benefits derived from this plan be confined to California alone; for around each of these stations would gradually be formed a settlement of hardy and adventurous pioneers, and in a few years from the protection and facilities thus afforded, the entire country lying between the Mississippi and Sacramento Rivers would be thoroughly explored, and, I doubt not, discoveries made, not only developing the vast mineral and agricultural resources of that immense tract of land which is now an almost unbroken wilderness, but also clearly and unmistakably indicating the shortest and most practicable route along which can best be constructed the great highway of nations—the Pacific and Atlantic Railroad.

During the recess, I have given this subject careful consideration, and feel called upon to assure you that, as a means of increasing our population and adding to the true and substantial wealth of the State, as well as affording the additional mail facilities now so much required, I regard it as one of more than ordinary importance to California.

By this plan the expense of travel would be so far lessened as to accommodate the undertaking to the means of thousands who are now deterred from migrating to California, and locating their families in our midst.

At this time, are to be found in the mines, as well as in the agricultural districts, thousands of men who monthly remit a large portion of their earnings for the support of families in the Atlantic States. Should the measure suggested be adopted, and the required protection and facilities afforded, these families would soon be located among us, and, instead of being the recipients of the proceeds of labor in California, now transmitted for their support, they would become consumers of the products of our own soil, sharing, in common with us, the responsibilities and blessings of this highly favored land.

From documents in my possession, I derive the important information, that of the entire amount shipped monthly to the Atlantic States, a sum nearly equal to one fourth is remitted for the support of families residing there. This fact alone is sufficient to demonstrate the necessity of adopting measures to induce their immigration to California.

In the months of September and October, of the present year, three thousand three hundred and thirteen (3313) drafts were drawn by the Banking House of Page, Bacon & Co., payable to persons in the several States of the Union, and of this number one thousand seven hundred and sixty-two (1762), were for sums less than five hundred dollars. During the month of October, five hundred and forty-two (542) drafts were drawn by Adams & Co., in addition to the above, payable in the Atlantic States, for sums less than five hundred (500) dollars.

Although not favored with reports from the other Banking Houses, I have ascertained that their books exhibit about the same state of facts. The drafts for sums under five hundred (500) dollars, with but few exceptions, were remitted for the support of families in the Atlantic States, the heads of which are now laboring in our mines, and engaged in various avocations throughout the State. Most of these families, I am induced to believe, would gladly become residents of the Pacific country, if possessed of means sufficient to defray the expenses of the journey.

From information before me, I am satisfied that not less than ten millions of dollars are thus annually remitted to the Atlantic States, which large sum could and would be retained within our own State, by increasing the facilities and diminishing the expense of transit from the eastern to the western portions of the continent. These ten millions, if expended by consumers in our midst, for the products of our own soil, would not only increase largely the direct wealth of California, but stimulate to a very great extent the agricultural interests of

the country, and add immensely to the general prosperity as well as to the amount of taxable property within the State.

The proposed plan, it is confidently believed, will obviate the only formidable obstacle remaining, and enable thousands of useful and worthy citizens, to become permanent residents of our State, who now cannot command, without great sacrifices, the amount of means required to defray the transit expenses of a family by the Ocean Route; and who are, therefore, compelled either to forego migration to California, or leave behind them the only sure basis of State prosperity and permanent welfare—the family circle, and the blessings of home.

In connection with the foregoing recommendation relative to the establishment of military posts, it is deemed proper to state that the Overland Route via the South Pass, is regarded by all who have traversed it, as the best natural road of its length, in the world. Indeed, it is confidently believed that the expenditure, at different points, of a comparatively small sum of money, and the establishment of a few ferries over the principal streams, would render it, as a stage route, quite as easy and safe as the road between the city of Sacramento and Sonora.

From the Missouri line to California, are to be found beautiful valleys, interspersed along the entire route; many of them exceedingly rich in soil, and covered with a luxuriant growth of nutritious grasses. These valleys, as soon as protection shall have been afforded by the establishment of military posts, will all be fully explored, many of them cultivated, and others now unknown to the traveler, discovered. So, also, with regard to the route generally; new passes, lessening the distance, bettering the road, and affording increased supplies of grass, wood and water, will be discovered.

The first three hundred miles, after leaving the Missouri line, being within the newly organized Territory of Nebraska, and being daily traversed by hundreds of emigrants on their way to their new homes, will, it is presumed, require no additional military posts, and the road need no further improvements to prepare it for stage coaches.

Between Fort Kearney and the Sierra Nevada, following either of the emigrant trails, *via* Fort Hall, Salt Lake City, or what is known as the "Cut-off," from Bear River to Raft River, the road would not require the expenditure of a large sum of money, to render it eminently practicable for stage travel; and actual observation has satisfied me that new crossings and passes can be found, avoiding many of the points where it would be necessary to expend much labor and money.

In truth, the portion of the entire route most difficult to be rendered fit for stage travel, is that lying between California and the points on the Humboldt, where the different trails leave that river.

But the great matter first to be accomplished, is to induce Congress to establish military stations. The stations once established, and the route rendered entirely secure, the practicability of staging over it, will soon be settled to the entire satisfaction and great convenience of the whole country, more than realizing the expectations of the most sanguine.

It is, therefore, hoped that you will, within the first week of the session, present the question in some appropriate form through our delegation, for the consideration of Congress, and adopt such measures as may be deemed practicable and expedient on the part of the State in relation to improvements necessary to render travel over the road, with coaches, expeditious and safe.

CORPORATIONS—MONOPOLIES.

Since the adjournment of the last Legislature, the existing laws in relation to Corporations have been carefully examined and all found more or less defective.

I therefore deem it my duty again to commend the subject to your early consideration.

Under our government, where the will of the people should prescribe the kind and character of the laws, it should be the earnest endeavor, as it is the bounden duty of their representatives, so to frame enactments as to effectually protect their interests from the encroachments and oppression of corporations organized for the accomplishment of objects beyond the means of individual enterprise. In fact, legislation should ever have in view the protection and prosperity of industry, and, while extending to capital and enterprise, liberal and proper inducements, should not neglect those checks and limitations which alone can prevent them from being made instruments of oppression and extortion.

The fact that the interests of the people of California are identified with labor, and opposed to extending the influence of government to the advancement of the few at the expense of the many, should determine legislation in favor of the protection and security of individual enterprise and industry, rather than to the maintenance of unchecked giant monopolies.

I have, as is well known, steadily opposed the policy of selling the Mineral Lands by the General Government, for the reason that I believed the inevitable result of the sale of these lands would be the gradual formation in our midst of fearful monopolies, and that these monopolies, by combination, would be able to regulate the prices of labor as circumstances or avarice might dictate; such monopolies, it is believed, would exert a blighting influence on the rapidly advancing prosperity of the State, and paralyze the energies of thousands of industrious and enterprising men, whose well directed efforts are now successfully developing the varied resources of this young State.

The golden sands of our rivers—the inexhaustible mineral wealth of the hill-side and the gulch—and the unparalleled products of our fertile valleys and plains, should be free to the industry of our citizens—and labor in every department receive its just equivalent, without the interference or dictation of any power, save alone that free and honorable competition which is its life and spirit.

The evils which may result from the passage of laws, under which powerful monopolies can be organized, are considered of such magnitude as not only to justify, but to require, a careful revision of all previous legislation on the subject, with a view of supplying the restrictions and limitations necessary for the protection of public rights and interests.

Comparatively but few companies, it is proper here to remark, have, as yet, been organized under existing laws, and all the modifications necessary for the security of public interests, can now be made without material interference with the rights or interests of any portion of our citizens.

But the fact that companies have been organized and exist under Acts heretofore passed, does not interfere, in the least, with the right of the Legislature either to amend or repeal any or all of them.

The 31st section of the 4th article of the Constitution provides for the formation of corporations under general laws, and that “all general laws and special Acts passed pursuant to this section may be *altered* from time to time, or *repealed*,” and the 30th section of the Act of 1859, under the head of “general provisions,” authorizes the Legislature at any time “to repeal the Act and dissolve all corporations created under it”

The right of the Legislature to *amend* or *repeal* the several existing laws concerning corporations must, therefore, be conceded, and that they require revision, it is believed, will be admitted by all, after careful examination.

In the formation of laws authorizing the organization of companies, the manifold interests of the public should be carefully guarded, either by fixing reasonable rates in the Act itself, or by vesting the power to prevent exorbitant

charges upon commerce and travel in the Courts, to be exercised whenever necessary.

Industry and enterprise, unaided by the special privileges enjoyed by corporations, have in a few years, made California, in many important respects, superior to most of the older States of the confederacy. To continue her prosperity, and develope with sufficient rapidity her mighty resources, it is only necessary to give the people wholesome general laws, for the protection of person and property, and to prevent monopolists from controlling the main sources of her wealth as well as the principal avenues of trade and travel.

Under enactments such as now exist upon our own statute books, monopolies of the most oppressive character, have grown up in most of the States of the Union, and become so powerful as almost to defy legislative authority, and sufficiently potent to seriously interfere with the rights and interests of the people.

Although it may be true that the people of California have, as yet, suffered comparatively but little from the exactions of monopolies, organized under State laws, still it must be apparent to all who carefully investigate public affairs, that, unless judicious modifications of existing laws on the subject, be soon made, the evil will be more seriously felt in California, than in any other State of the Confederacy.

I, therefore, commend the subject to your early and favorable consideration, and trust that you will, without delay, adopt such restrictions and modifications as will effectually preserve, in all time to come, the people of this rapidly growing State, from evils which now oppress the citizens of other sections of this Union, and which are the direct result of injudicious and unguarded legislation in relation to corporations.

PAPER MONEY.

In connection with the subject of Corporations, it is deemed proper to invite your attention to Art 4th, Section 35th, of the Constitution of the State of California, which reads as follows :

“The Legislature of this State shall prohibit by law, any person or persons, association, company or corporation, from exercising the privileges of banking, or creating paper to circulate as money.”

This requirement of the Constitution, to prohibit by law the creation “of paper to circulate as money,” should receive your early consideration, and a well-matured and stringent enactment passed with as little delay as possible.

Early action on your part is deemed necessary, for the reason, that until you shall have legislated on the subject, and affixed penalties for a violation of the law, all who are so disposed, can with impunity exercise banking privileges and “create and circulate paper money,” because no provision is made in the Constitution to ensure obedience to the prohibition. That this provision of the Constitution was not intended *per se* to operate as a prohibition without proper legislative action, is evident from the fact that no penalty for a violation is imposed, and the clause is without the sanction necessary to give it the force and effect of a prohibitory law.

In this view of the subject I am sustained by the decision of the Supreme Court of the United States in the case of *Groves, et al vs Slaughter*, 15th, Peters' Report p 450, where the construction of an Article in the Constitution of the State of Mississippi, similar to that of our own, was in review before the court. The court affirms as follows :

“Admitting the Constitution is mandatory on the Legislature, and that they have neglected their duty in not carrying it into execution, it can have no effect upon the construction of this article. Legislative provision is essential to carry

into effect the object of the prohibition. It requires the sanction of penalties to accomplish this object."

Action, then, on your part is necessary to carry into effect this wise provision of the Constitution, and to preserve our people from the many and grievous evils which follow in the train of a paper currency, and from which they are, as yet, happily exempt."

ASIATIC IMMIGRATION.

Among the most important of the subjects, which, it is presumed, will engage your serious and immediate consideration, is the large and increasing Asiatic immigration to California.

In the month of April, 1852, I had the honor of transmitting to the Legislature, then in session, a special message inviting their attention to this growing evil, and have since seen no reason to change the views then expressed. In fact, the numbers who have since that time arrived in the State, filling our cities and crowding the mines, have more fully satisfied me of their entire correctness.

At that date, the entire Asiatic population of the State did not, perhaps, exceed twenty thousand; while at the present time there are not less than sixty thousand scattered throughout the length and breadth of California.

They are to be found in vast numbers in the north, the south, the east and west—in the cities, herding together and forming distinct and separate communities; in the mines, gathering the rich products of our soil, they are still found a class of beings, ignorant of our language and laws, and having no community of feeling or interest with the mass of our citizens.

Regarding this question as one of more than ordinary importance to the people of California, and the power of the State to afford adequate relief having been denied by some, I have deemed it my duty, to present for your consideration, carefully prepared views in relation to her constitutional power in the premises.

In order to enable you to correctly decide whether the authority to exclude or effectually check Asiatic immigration is vested in the individual States, or in Congress, it will be necessary to carefully trace the power to its source.

Prior to the formation of the Constitution, and subsequent to the Revolution, the United Colonies having thrown off the yoke of the mother country and erected separate State governments, each individual State became invested with all the attributes of sovereignty, and among the rest, the power to decide who should be admitted to their protection, and upon what conditions. Upon the formation, however, of the Union, certain powers were relinquished to the General Government for the better protection and more permanent welfare of the entire people.

The government thus formed was one of *delegated powers*, and the more certainly to restrain its action within the legitimate sphere of duties, and the more effectually to prevent encroachment upon the rights of the Sovereign States, as well as to clearly and unmistakeably define the functions of Congress, the tenth amendment to the Constitution was added in the following words, viz :

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

A power, then, to be exercised by the General Government, must be clearly delegated by the Constitution, or be necessary and proper to carry into execution the powers so delegated.

In considering the powers of Congress, the distinction between those which are *exclusively* vested in the Federal Government, and others wherein a *concurrent* authority still remains in the States, should be carefully noted. This distinction is so clearly drawn by commentators and settled by decisions of the

Supreme Court of the United States, that to claim exclusive power for the General Government where the like is not prohibited to the States, or where the exercise of a similar power by the States would not be incompatible with the power granted, is to transcend the manifest intent of the Constitution, and to render our Government one of unlimited and arbitrary power. All the checks and limitations upon the Federal Government against the usurpation of the rights of the Sovereign States would be at an end, and the individual members of this Confederacy be prostrated powerless at the feet of the Central Government.

On this point the authorities are numerous and explicit.

"The State Governments clearly retain all those rights of sovereignty which they had before the adoption of the Constitution of the United States, and which *were not* by that Constitution *exclusively delegated* to the Union. The alienation of State powers or sovereignty would only exist in three cases : where the Constitution, in express terms, granted an *exclusive* authority to the Union ; where it granted in one instance an authority to the Union, and in another, *prohibited* the States from exercising the like authority ; and where it granted an authority to the Union, to which a similar authority in the States would be absolutely and totally contradictory and repugnant."—Kent, vol. 1, p. 427.

This rule has been recognized in many decisions of the Supreme Court of the United States, *vide* 2 Cranch 397 ; 5 Wheaton, 49 ; 2 Peters 245 ; 4 Wheaton, 193 ; 15 Peters 509.

If, then, Congress is to be regarded as having obtained the power to decide who should or should not be admitted within the limits of the individual States, it can be but by mere implication alone, and must be derived either from the grant to impose taxes or duties on imports, or the clause for the prohibition and taxation of the slave trade (Sec 9, Art 1), or that to "regulate commerce."

It may be well briefly to examine these several sources of power, as each has been at times quoted to sustain the view that the power claimed is vested *exclusively* in the General Government, and therefore, without the province of State legislation. The power to "lay and collect taxes, duties, imposts and excises," is specially granted to Congress in Sec 8, of Art. 1, of the Constitution : and by Sec. 10th of the same instrument, it is provided that "no State, without the consent of Congress, shall lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws."

From these two sections it is clearly evident that the power to lay and collect imposts on imports is *exclusively* vested in Congress, and the several States prohibited from exercising the same. If, therefore, it can be shown that the levying a tax or toll upon Asiatic passengers, or excluding them altogether, is equivalent to levying duties on imports within the meaning of the Constitution, then clearly the exercise of that power by the State would be unconstitutional and void.

Under this head, then, it is only necessary to inquire whether *passengers* can be denominated *imports*, within the intent and meaning of the Constitution. That such is not the case seems to be evident, and had not the same objection been gravely stated in argument before the Supreme Court of the United States and there adjudicated, it might be deemed unnecessary to mention it in this connection. This point, however, was directly presented before the Supreme Court, in the case of *Miln vs. City of New York*, and was there deliberately considered ; the Court deciding that "passengers clearly were not imports." (11 Peters 102.)

Chief Justice Taney, in the case of *Smith vs. Turner* (7 Howard 477) in delivering his opinion on this point, says :

"I think it may safely be affirmed that both in England and this country, the words *imports* and *importation*, in statutes, in statistical tables, in official re-

ports, and in public debates, have uniformly been applied to articles of *property* and never to *passengers*, voluntarily coming to the country in ships ;” and concludes : “ The argument, however, that passengers are imports is, in my judgment, most evidently without any reasonable foundation.”

Another objection to the right of the State to exercise the power of ~~excluding~~ or taxing Asiatic passengers, has been predicated upon the ninth section of Art. 1 of the Constitution, which reads as follows :

“ The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808 ; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.”

In the construction of this section, it should be remembered, that it was inserted for the direct and avowed, if not the only purpose, of granting to Congress the right to suppress the slave trade, then recognized and openly carried on between the coasts of Africa and Brazil, and the States of this Confederacy.

Accordingly, Congress has never exercised any authority under this section, except in the law for the final suppression of the slave trade, which was passed in pursuance of the ninth section, and at the time therein prescribed. It is, moreover, evident that the ninth section was not intended to deprive the individual States of their undoubted right to exclude such persons as they might consider injurious to their own people, or to prescribe the terms of their admission, from the fact that the power granted is merely a power to *prohibit*, not one to *compel* the States to admit against their wishes. Any other view would be carrying the powers of the General Government, by construction, much further than has ever heretofore been done, and overthrowing every principle of State sovereignty by an implication, unwarranted by the letter of the Constitution, and at variance with the spirit of our institutions.

In the case of *Norris vs City of Boston*, Mr. Justice Levi Woodbury remarked as follows. “ If the ninth section of the Constitution is a grant of the power to prevent the migration or importation of other persons than slaves, it is not an exclusive one, any more than that to regulate commerce. This clause itself recognizes an exclusive power of prohibition in the States until the year 1808. And a concurrent or subordinate power by the States, after that date, is no where expressly forbidden in the Constitution, nor is it denied by any reason or necessity for such exclusiveness ” (7 Howard, 541.)

By the Supreme Court of the United States, it has been well established as a true general rule, that notwithstanding a grant to Congress, in express terms, if the States are not *directly forbidden to act*, it does not give to Congress exclusive authority over the matter, but the States may exercise a similar power, unless, from the nature of the subject, and its relation to the General Government, a prohibition is fairly or necessarily implied (7 Howard, 533.)

The consequences to be apprehended from a prohibitory power over all aliens, being vested exclusively in Congress, are too fatal to the sovereignty of the States, and the danger to their security and very existence too great to believe for a moment, that the framers of the Constitution, jealous as they were of the rights of the States—ever intended to confer such a power by mere implication alone.

Referring to this point, Mr. Justice Woodbury observes.

“ If Congress, without a co-ordinate or concurrent power in the States, can prohibit other persons, as well as slaves, from coming into the States, they can, of course allow it, and hence can permit and demand the admission of slaves, as well as any kind of free persons, convicts or paupers, into any State, and enforce the demand by all the overwhelming power of the Union, however obnoxious to the habits and wishes of the people of a particular State. In view of an inference like this, it has therefore been said (9 Wheaton, 239) that, under this section, Congress cannot admit persons whom a State pleases to exclude.” (7 Howard, 512.)

An opposite doctrine would be repugnant to all our ideas of State sovereignty and totally destructive of their independence; for, if it be conceded that Congress has the exclusive power and can admit, as passengers, whom it pleases, independent, and in violation of the wishes of a State, it can force upon the States a debased and ignorant population, as well as slaves or criminals, or political incendiaries of the most dangerous character.

Having, as I believe, clearly shown that the power of excluding Asiatics from our shores has not been vested exclusively in Congress either by the clause in the Constitution authorizing the levying of duties on imports, or by the 9th section of article 1, it only remains briefly to examine the source of another objection to the exercise of that power by the State, viz: that it is a regulation of commerce, and the power over that being exclusively vested in Congress, no State can lawfully exercise it.

Chief Justice Taney, in the case of *Smith vs Turner*, (7 How 465), observes: "The first inquiry is, whether, under the Constitution, the Federal Government has the power to compel the several States to receive, and suffer to remain in association with its citizens, every person or class of persons, whom it may be the policy or pleasure of the United States to admit. If the people of the States of this Union reserved to themselves the power of expelling from their borders any person or class of persons, whom it might deem dangerous to its peace, or likely to produce physical or moral evil among its citizens, then any treaty or law of Congress invading this right, and authorizing the introduction of any person or description of persons against the consent of the States, would be an usurpation of power which this court could neither recognize nor enforce. I had supposed this question not now open to dispute. It was distinctly decided in *Holmes vs Jennison*, 14 Peters, 540; in *Groves vs Slaughter*, 15 Peters, 449; and in *Prigg vs Commonwealth of Pennsylvania*, 16 Peters, 539.

If these cases are to stand, the right of the State is undoubted. And, it is equally clear, that, if it may remove from among its citizens any person or description of persons, whom it regards as injurious to its welfare, it follows that it may meet them at the threshold and prevent them from entering; for there could be no reason of policy or humanity for compelling the States, by the power of Congress, to inhale the poison, and then leaving them to find a remedy for it, by their own exertions and at their own expense. Certainly no such distinction can be found in the Constitution, and such a division of power would be an inconsistency, not to say an absurdity, for which I presume no one will contend.

The power of determining who is, or is not, dangerous to the interests and well being of the people of the State, has been uniformly admitted to reside in the State. I think it therefore, to be very clear, both upon principle and the authority of adjudged cases, that the several States have a right to remove from among their people, and to prevent from entering the State, any person, or class or description of persons, whom it may deem dangerous or injurious to the interests and welfare of its citizens; and that the State has the exclusive right to determine, in its sound discretion, whether the danger does or does not exist, free from the control of the General Government."

To this objection there are, however, two other good and sufficient answers:

First, that it is not a "regulation of commerce," and second, that the power to regulate commerce is not vested *exclusively* in Congress, but the States retain a *concurrent* or subordinate power over it.

This power, like that contained in Sec. 9th, of Art 1st of the Constitution, although expressly delegated to Congress, is not prohibited to the States—as is the power to levy duties on imports—and each State still retains its right to regulate its own commerce, subject always to the paramount enactments of Congress in its proper sphere.

This view also is affirmed in numerous decisions of the Supreme Court. Justice Story says, "The Constitution containing a grant of powers in many instances similar to those already existing in the State Governments, and some of these being of vital importance to state authority and state legislation, it is not to be admitted that a mere grant in affirmative terms to Congress, does *per se* transfer an exclusive sovereignty in such subjects to the latter. On the contrary, a reasonable interpretation of that instrument necessarily leads to the conclusion, that the powers so granted are never exclusive of similar powers existing in the States, unless where the Constitution has expressly in terms given an exclusive power to Congress, or the exercise of a like power is prohibited, or there is a direct repugnancy or incompatibility in the exercise of it by the States."

There being no prohibition of the exercise of this power by the States, and it not being repugnant to, or incompatible with any act of Congress, by treaty or otherwise, it necessarily follows that a State is at full liberty to act, even though it be admitted that in so doing she would, to some extent, be "regulating commerce."

The exclusion of Asiatics, it is believed, however, would not in any manner be a regulation of commerce, but merely one of police for the security of the State, and is a matter which forms a part of her domestic economy, belongs to her interior policy, and operates on matters affecting vitally the fireside, the hearth and the altar.

That such exclusion has never been considered as an encroachment upon the power to regulate commerce, is evident from the fact that several of the States—Kentucky and Mississippi for instance—have prescribed in their Constitutions that the "Legislature shall have full power to prevent slaves from being brought into the State as merchandise," and many of them, Indiana and Illinois being of the number, also contain provisions authorizing the exclusion of free persons of color from their limits, and Congress has sanctioned those Constitutions.

The Constitution of the United States equally delegates to Congress "the power to regulate commerce with foreign nations, and *between the several States* and the Indian tribes."

On this subject, Justice Woodbury has observed, "It is a mistaken view to say that the power of a State to exclude slaves or free blacks, or convicts, or paupers, or to make pecuniary terms for their admission, may be not conflicting with commerce while the same power, if applied to alien passengers coming in vessels, does conflict. And, if Mississippi and Ohio can rightly impose prohibitions, taxes, or any terms to such coming by land or water from other States, so may Massachusetts and New York if thus coming from foreign nations by water."—(7 Howard 550).

If, then, this reasoning be correct, and it is so believed, the State is at full liberty, under the Constitution, not only to prevent, in future, the landing of these Asiatics within her limits, but also to remove from among her citizens those, or any of them, who may be regarded as injurious to the welfare of her people. It is, in truth, a question of policy alone, which it is presumed the representatives of the people will decide at an early day, as sound judgment and discretion may dictate.

Having thus presented, for your consideration, the several points of the question, and my own views as to the powers of the State and the duty of her agents in the premises, it now only remains for me to remark that, should the exercise of the taxing power of the State to such an extent as would serve as an efficient check upon too numerous an immigration, and at the same time largely increase the annual revenues of the State, be, by you, regarded as the wiser policy, it will afford me much pleasure to co-operate with the representatives of the people.

PERMANENT LOCATION OF THE SEAT OF GOVERNMENT.

The great importance of the permanent location of the Seat of Government of the State, and the definite settlement of a question which has already too long been a

fruitful source of agitation, must be apparent to all who are familiar with the past history of California.

The preliminary question—the permanent location of the Seat Government—having been definitely settled by the highest judicial tribunal of the State, and Sacramento declared to be the legal Capital of California, no good reason, it is conceived, can be assigned for longer delaying the legislation necessary to secure the erection of suitable public buildings.

The buildings at present occupied by the Legislature and the State officers are furnished by the expenditure of a large amount of money, to meet which, the people of the city and county of Sacramento are burthened with increased taxation. I hope you will give this matter early consideration, and provide for their relief by the erection of suitable buildings for the use of the State.

The thirteenth section of an Act of Congress approved March 3d, 1853, entitled "An Act to provide for the Survey of Public Lands in California, the granting of pre-emption rights thereon, and for other purposes," donates to the State of California, "ten entire sections," or six thousand four hundred acres of land, for the erection of the public buildings of the State; "the lands so donated, to be selected by the Governor, or such person as he may designate."

By providing for the sale of these Public Building Lands, and enacting a properly constructed and judicious law, authorizing her agents to dispose of other property of the State, as recommended in another part of this communication, the treasury, it is confidently believed, will be placed in a condition to justify an appropriation during the present session sufficient to purchase a suitable site, and defray the expenses of erecting commodious buildings for the accommodation of the Legislature and State officers.

The conceded importance of this question, it is hoped and believed, will secure for it your early and favorable consideration.

PAH-UTAH COUNTY—CARSON VALLEY.

The Legislature of 1852, on the third of May, passed an Act to provide for the organization of a county, extending some distance along the eastern boundary of the State, to be called "Pah-utah;" the Act to take effect when the Congress of the United States shall have ceded to the State of California the territory included within the same.

Observations taken during the past summer, I am assured, render it probable, if not altogether certain, that most of the territory included within the county of Pah-utah, is within the State of California.

If ascertained to be within the State, it will, of course, be unnecessary to obtain the assent of Congress to the exercise of jurisdiction over it.

I would, however, recommend that measures be taken by you at an early day to ascertain with certainty what portion of this territory is within the limits of California, so that there may be no clashing of interests or opinions between the Federal and State authorities, and that the people who are now located within the limits of the disputed country may have the protection and security which cannot be extended to them until the question of boundary shall have been definitely settled.

CONCEALED WEAPONS.

In most of the other States of the Confederacy, the carrying of weapons *concealed* on the person is forbidden by law, and heavy penalties inflicted for its violation.

The Act of 1853, concerning Crimes and Punishments, makes it the duty of District Judges to furnish the Governor with a certified copy of the testimony taken in all cases of conviction for murder.

An examination of the testimony thus placed on file in this office, and statements

contained in applications presented for the pardon of criminals, has satisfied me that a rigid statute, forbidding, under heavy penalties, the carrying of weapons concealed about the person, would greatly reduce the number of tragedies, the particulars of which are now too often to be found in the columns of our public journals, and in the records of our courts.

A carefully prepared statute, which would effectually discontinue the practice of carrying *concealed* weapons in cities, towns and districts of country where no cause of danger is known to exist, I have no doubt would reduce fully one-half the number of convictions within the State for murder and manslaughter.

The subject is commended to you as one well worthy of consideration, as it is intimately connected with the reputation of the State abroad, and the moral character and security of her citizens at home.

STATE PRISON.

During the past summer, many convicts having escaped from the State Prison, I deemed it my duty to instruct, in writing, the State Prison Inspectors, appointed under the law of 1851, to visit the Prison and institute a careful investigation, not only into the cause of the escapes which had taken place, but also in relation to the condition of the prison building, and the discipline adopted.

The Inspectors, as instructed, visited the Prison, and, altogether, were engaged about two weeks in making a thorough examination of every matter important to be understood, and in collecting facts in relation to the escapes heretofore effected by criminals. Copies of these instructions and the Report of the Inspectors, made to me some time since, are herewith transmitted, and the facts and information contained in the latter, commended to your serious consideration. The facts set forth by the Inspectors having been obtained by careful and diligent inquiry on the premises, are no doubt entirely correct.

It must be conceded that the facts contained in the report demonstrate, conclusively, the necessity of legislative action, and it is hoped that you will be prompt in devising such means as you may deem necessary to remedy existing defects in the discipline as well as in the building, so as to render escapes from the prison in future utterly impossible.

Having in my possession no additional facts or information in relation to the Prison or its management, the whole subject is earnestly commended to your care as one deserving of early and thorough examination.

STATE ASYLUM FOR THE INSANE.

This institution, located at Stockton, is admirably adapted to the beneficent object for which it was established, and it gives me sincere pleasure to be enabled to assure you that its management in dispensing the charity of the State, is creditable alike to California and those who have the control of its affairs.

The whole number of patients under treatment during the year ending November 20th, 1854, was two hundred and seventy-two (272); of these, two hundred and forty-seven were males, and twenty-seven females.

The number cured and discharged in the same period, one hundred and twenty-seven; of these, one hundred and thirteen were males, and fourteen females.

The number now in the Asylum, under treatment, is one hundred and twenty-six; of these, one hundred and twelve were males, and fourteen females.

Number of deaths during the year, eighteen.

The whole amount expended for the institution during the past year, including every item, will not, I am assured, exceed forty thousand (\$40,000) dollars; leaving the Asylum without one farthing of indebtedness.

The central building—for the erection of which, provision was made at the last

session—has been completed and is now occupied. It is a substantial and handsome structure, in the Gothic style, seventy feet square, and three stories in height. The old wing of the building is one hundred and thirty feet in length and fifty feet in width.

The whole edifice is two hundred feet long, and will be amply sufficient for several years, for the accommodation of the male patients. For the accommodation of the females, and in order to separate them entirely from the males, it will be necessary, in a few years, if not at present, to erect an additional wing to the building.

Around the Hospital grounds, containing one hundred and one acres, a handsome and durable picket fence has been erected during the past year, and other necessary outside improvements made, at an expense of four thousand nine hundred and fifty dollars.

STATE MARINE HOSPITAL.

The whole number of patients in the State Marine Hospital on the 1st day of January, 1854, was	250
Whole number admitted between the 1st of January and the 14th of December, 1854,	2,612
Whole number cured and discharged between the first of January and 14th of December, 1854,	2,352
Whole number deceased between the 1st of January and the 14th of December, 1854,	239
Whole number under treatment on the 14th of December, 1854,	251

Of the 2612 admitted during the year, 1048 were State, and 1564 City patients.

I feel called upon, in connection with the foregoing statement, to remark, that if this institution is to be sustained, other provision must be made for its support. During the past year, although the institution has been well managed, it was necessary to draw upon the general fund for a large sum of money to meet expenses incurred, over and above the amount set apart for its support in the act providing for its organization.

The expenditures of this establishment should, undoubtedly, be so far curtailed as to restrict them within the amount of revenue set apart for the support of the institution, and render unnecessary, hereafter, appropriations from the general fund.

CENSUS OF THE YEAR 1855.

The 20th Section of the 4th Article of the Constitution of California, makes it the duty of the Legislature to provide for an enumeration of the inhabitants of the State in the year 1855.

In connection with this subject, I would respectfully suggest that the persons selected to perform the duty required by the Constitution, be authorized and directed to obtain accurate statistical information in relation to the Mining, Agricultural, Commercial, Manufacturing and Mechanical interests of California.

Information thus obtained by agents of the State, and published by authority as correct, would be so regarded by the people of the other States and Europe, and thousands, who now disbelieve statements made relative to our vast mineral resources, our agricultural superiority, and unequalled commercial advantages, would be induced, with their families, to make California their place of permanent abode.

4

ANNUAL REPORTS.

Copies of the Annual Reports of the Controller of State, State Treasurer, Surveyor General, and Quartermaster General, are herewith transmitted.

These reports contain statistical and other important information, which, doubt-

less, will aid you materially in your legislative labors; as they will also give to the whole people accurate and reliable information in relation to the financial and general affairs of the State. The facts and suggestions contained in these able and admirably prepared papers, are all commended to your careful consideration.

In compliance with Constitutional requirement, I herewith transmit a statement exhibiting the number and names of persons pardoned and reprieved during the past year.

Also, by request, the Circular, Memorial, and Resolutions of the "Commercial Convention of the Southern and Western States, held in Charleston, S. C.," and signed by Wilmot G. De Saussure, Secretary, accompanied by a Bill to create and incorporate the Southern Pacific Railroad Company.

Also, a Bill (for Arkansas, Louisiana, Texas, and California,) recognising the Southern Pacific Railroad Company, &c.

Also, Rhode Island Resolutions concerning the Nebraska Bill, &c.

Also, *Opinion of Supreme Court of Rhode Island reversing the Judgment against Thomas W. Dorr.*

Also, a List of the appointments made during the year, to supply vacancies in office, which have occurred.

The various measures commended to your favorable consideration in this communication, are regarded by me as eminently proper, and highly important and necessary to the continued prosperity of the State and the welfare of her people.

The power to carry into full effect all the wholesome measures recommended—to abate evils complained of by our common constituents—to reduce the salaries and fees of office to a fair standard—and to lessen State expenditures and State taxation, the Constitution has wisely vested in the Legislature—not in the Executive.

The Executive, it is true, can, and he has recommended to your favorable consideration, measures for the accomplishment of all these objects, and if passed by you, in form consistent with the Constitution, will cordially give them his approval.

In thus recommending measures, which, if adopted, must soon, not only place California, financially, in a better condition than most of her sister States, but promote immensely the real prosperity of the whole people, I have, as I believe, performed all in the premises required, authorized or warranted by the Constitution, and it now only remains for me to assure you of my entire willingness to co-operate with you in executing to their fullest extent the undoubted and often expressed wishes of the people in relation to the immediate liquidation of the debt of the State, the enforcement of more rigid economy in the administration of her affairs, as well as such other measures as may be regarded necessary for the protection, advancement and increase of the elements of State greatness and prosperity with which California, in the dispensations of a wise Providence, has been so abundantly endowed.

And now, under the guidance and fostering care of that Divine Goodness, whose overruling arm has averted from our borders, alike the devastation of pestilence and the horrors of war, and who has so signally blessed our people with abundant harvests and never failing sources of wealth, happiness and prosperity, let us, with grateful hearts and patriotic ardor enter upon the discharge of the highly important duties assigned us by an intelligent and confiding constituency.

JOHN BIGLER.

APPENDIX TO GOVERNOR'S MESSAGE.

Vacancies filled by the Governor.

- March 25, 1853.—George Simpton as Port Warden, San Francisco.
Thomas W. Brennan as Port Warden, San Francisco.
- March 31, 1854.—John Nye as Port Warden, San Francisco, *vice* N. Noyes.
- October 13, 1853 —George O'Doherty, Commissioner to dispose of Water Lots in San Francisco, *vice* John A. McGlynn.
- January 3, 1854.—J. F. Williams, Judge of Contra Costa county, *vice* F. M. Warmcastle, resigned.
- March 7, 1854.—J. C. Hue, Judge of Colusi county, *vice* John F. Willis.
- August 19, 1854.—Amos Noyes as Port Warden, San Francisco, *vice* William G. Ross.
- September 13, 1854.—John Deming, Pilot of Benicia.
- June 7, 1854 —William M. Stewart as acting Attorney during absence of Gen. J. R. McConnell.
- June 27, 1854.—William M. Lent, as Pilot Commissioner, *vice* George Simpton, resigned.
- May 18, 1854.—William H. Hoburg, as Gauger of Liquors, San Francisco.
- May 25, 1854.—Edward Norton, Judge of the Twelfth Judicial District.
- October 9, 1854.—William M. Neil as Pilot of Benicia, *vice* H. Harrison failing to qualify.
Henry Van Ness as Pilot of Benicia, *vice* Jeremiah Urie failing to qualify.
R. N. Snowden, State Prison Inspector.
- October 30, 1854.—W. W. Dobbin, County Clerk of Yuba county, *vice* E. Dorland, deceased.
- November 31, 1854.—C. H. Harrison, Pilot of Benicia, *vice* David Calloway failing to qualify.
- November 17, 1854.—E. Hamilton, Coroner of Yuba county.
R. L. Westbrook, Judge of Siskiyou county.

November 24, 1854.—Charles H. Bryan, Judge of Supreme Court, *vice* Alexander Wells, deceased.

October 18, 1853.—Edward McGowan, Commissioner of Emigrants, *vice* Moses E. Flanagan, resigned.

PARDONS DURING THE YEAR 1854.

January 26 —Timothy Donovan, convicted in Court of Sessions of El Dorado county of perjury, December Term, 1853.

January 29.—George C. Bradley, convicted at October Term, Court of Sessions of Nevada county, of larceny, and sentenced to State Prison for three years.

February 1.—James Devlin, sentenced to imprisonment in State Prison for six months, for petty larceny in San Francisco.

February 6.—James Drum, convicted in San Francisco of intemperance and assault and battery, and sentenced, in November, 1853, to six months in County Jail.

February 7.—Emeline Berry, sentenced to imprisonment for six months, in San Francisco, for disorderly conduct and attempt at arson.

February 8.—Nathan Deming, J. Deming, George Denning, and Charles Davis. Term expires on the 17th February, 1854.

February 8.—Joseph Fisher. Term expired.

March 18.—Peter Nicholas, convicted of murder in Tuolumne county, February Term, 1854, and sentenced to death. Punishment commuted to seven years in State Prison.

March 30.—Thomas H. Baxter, convicted in Alameda county of grand larceny, at February Term, 1851, and sentenced to one year in State Prison.

March 30 —Respited. Thos. H. Cowan, convicted of murder in Mariposa county, March Term, 1854, and sentenced to death. Respited until May 20, 1854.

April 14.—Thomas Mancilla, convicted of murder in Mariposa county, March Term, 1854, and sentenced to death. Punishment commuted to five years in State Prison.

- April 11.—John Defries, convicted in Mariposa county, February Term, Court of Sessions, for resisting officer, and fined three hundred dollars, and imprisoned in County Jail for twelve months.
- April 18.—George M. Farrow, convicted in Yuba county, Court of Sessions, February Term, 1853, of grand larceny, and sentenced to three years imprisonment in State Prison.
- May 17.—J. C. Swenbeth, convicted of grand larceny in Court of Sessions of San Joaquin county, and sentenced to three years imprisonment.
- May 15.—Joseph Bryon, convicted in Recorder's Court of San Francisco of petit larceny, and sentenced to City Prison for thirty days.
- June 10.—Mary Ann Wilson, term expiring on the 16th of June.
- June 16.—James McNulty, convicted in the Court of Sessions of Sacramento county, November 1, 1853, of assault with intent, &c., and sentenced to State Prison for two years.
- June 23.—Horace Brewster, convicted in District Court of Placer county of manslaughter, May 26, 1854, and sentenced to State Prison for one year.
- July 21.—J. C. Callut, convicted in Court of Sessions of Calaveras county, June 6, 1854, of forgery, and sentenced to State Prison for one year.
- July 23.—Michael Brennagan, convicted in Court of Sessions of San Francisco county of assault and battery, and sentenced to County Jail for one year.
- August 7.—William Tennant, convicted in Recorder's Court of San Francisco, and sentenced to six months imprisonment from March 15, 1854, for assault and battery.
- August 15.—Edward Campbell, convicted in Court of Sessions of San Joaquin county, June Term, 1854, of "assault with intent," and sentenced to State Prison for one year.
- September 13.—William S. Norton, convicted in the District Court of Placer county, September Term, 1854, of manslaughter, and sentenced to six months in State Prison.
- November 6.—Jno H. Thompson, convicted in Calaveras county, District Court, February Term, 1854, of murder, and sentenced to death. Punishment commuted to seven years in State Prison.
- November 21.—Henry Buckland, convicted in Court of Sessions of San Francisco county, May, 1854, of obtaining money under false pretences, and sentenced to County Jail for one year, and fined one thousand dollars.
- November 22.—John Nugent, convicted in San Francisco for assault with deadly weapons, November, 1853, and sentenced to punishment in State Prison for one year.

November 22.—Patrick O'Rorke, convicted in San Francisco of assault and battery, September 20, 1854, and sentenced to County Jail for six months.

November 30.—John Gallagher, convicted in Siskiyou Court of Sessions, 1854, and sentenced to State Prison.

December 2 —Thomas Crooks, convicted in Tuolumne county, District Court, and sentenced to death. Commuted to ten years in State Prison.

December 11.—James Stewart, convicted at April Term, District Court of Trinity county, 1854, of murder, and sentenced to death. Commuted to ten years in State Prison.

December 12.—Thomas Ashton, convicted in El Dorado Court of Sessions, December 31, 1853, of assault with intent to murder, and sentenced to one year in State Prison.

B.

CORRESPONDENCE IN REFERENCE TO THE WAR DEBT.

BENICIA, June 30th, 1853.

Hon. JOHN BIGLER :

SIR :—For the past year, when leisure from official business has afforded me an opportunity, I have been engaged in collecting, systematizing and arranging, as far as possible, a full and correct history of the several military expeditions which have, from time to time, been called out to defend our frontier and protect the incoming immigration against the several tribes of hostile Indians, whose acts of violence have made it necessary for the State to interpose her aid, for defense and protection, in the year 1850, 1851 and 1852. The statement made will embrace, with regard to each expedition, separately :

First. The extent and character of the depredations committed ; loss of life and property in each locality to which expeditions were directed for punishment, peace or protection, with all the evidence of the same made known, or published, at the time they occurred . proceedings of public meetings, called by the citizens in such localities, relative to the adoption of defensive measures, or for the purpose of invoking aid from the State ; communications from the same, and, also, from indi-

viduals, copies of petitions, etc., to the Executive of the State, with a view to induce him to interpose his authority, and give them the aid demanded.

Second. The action taken by the several Governors of the State, and their repeated demands upon the authorities of the United States to furnish men and means for this purpose, and facts necessary show (as well as by their own admissions) their inability to respond to the call of the Executive of the State, for want of adequate force, supplies and munitions, etc., necessary, successfully, to prosecute the several campaigns.

Third. The order and instructions of the several Governors to the ministerial and military officers of the State, directing the expeditions, operations, etc.

Fourth. The history of the same as embraced in the official correspondence, and obtained from those connected therewith, time of continuance, operations and results, costs of same as exhibited by pay-masters' rolls, including—

- A. Compensation paid officers and privates.
- B. For supplies, munitions and subsistence.
- C. Horses and transportation.

Fifth. Provisions made by the State for the liquidation of the claim arising from said expedition, manner of settlement, etc., reference being had to the action of the Legislature by committees, and the several enactments prescribing the mode of settlement and payment, as well as the duties of the board of examiners appointed for this purpose, and the course pursued by them in the performance of such duty.

The statement referred to in the foregoing, has been prepared by myself, with the belief that it will be necessary to substantiate the claim when presented to the General Government, by setting forth, clearly, truthfully and in detail, the facts connected with and from which originated the necessity of these expeditions, in order to secure the favorable consideration of Congress. By embodying these with the precedents cited in your special message in 1852, on this subject, in which it was shown that Congress had repeatedly made appropriations in like cases, it is reasonable to anticipate its favorable action in this instance, and that it will be assumed by the General Government and the State relieved from the burden of its payment.

I have already incurred some expense in obtaining and preparing such papers and proofs as have been deemed necessary for this object, and more will still be required to perfect, in a connected form, such an exhibit as will place the claim on a substantial basis, and secure for it just consideration. Should there be much longer delay in the preparation of the foregoing, it would be not only difficult but impossible to procure many statements and affidavits from persons whose testimony is important, so changeable is our population.

In many instances it has already been found difficult to find the parties whose statements are requisite to perfect certain proofs in a tangible manner. Desiring still continue to obtain all information necessary to vindicate the claim, I will be able, I trust, if the State should offer sufficient encouragement, to present all the requisite information to our Congressional Delegation, as will enable them to secure its recognition and payment, and will be prepared to proceed with the same to Washington, at the end of my official term, if authorized to do so.

Respectfully, your obedient servant,

WINSLOW S. PIERCE.

EXECUTIVE DEPARTMENT,
Benicia, California, June 30, 1853. }

Hon. WINSLOW S. PIERCE :

Sir :—You are hereby authorized and appointed an agent in behalf of the State of California, to procure, systematize and arrange, as far as practicable, all the original papers and documents, connected with the several Indian expeditions called out in this State to defend our frontier and protect immigrants near our borders, against the attacks of the several hostile tribes which, from time to time, have committed depredations upon the lives and property of our countrymen in the year 1850, 1851 and 1852.

You will, as nearly as possible, form a statement embracing,

First. The extent and character of the depredations committed upon persons or property.

Second. The evidences and proofs of the same, published at the time ; also, the action taken by citizens of the State, either by public meetings, or by petitions, or communications to the Governor from the localities where these depredations were committed, with a view to induce him to afford them the protection desired.

Third. The demand of the several Governors of the State upon the authorities of the United States, to furnish men and means for this purpose, and the troops their inability to respond to the call for want of adequate force, supplies and munitions necessary, successfully, to prosecute the several campaigns

Fourth. The orders and instructions of the several Governors to the ministerial and military officers of the State, directing the expedition, operations, etc.

Fifth. The history of those expeditions as embodied in the official correspondence connected therewith, time of continuance, operations and results.

Sixth. Cost of same as shown by the pay and muster rolls, including,

Compensation paid to officers.

“ “ men.

For supplies, munitions and subsistence.

Horses and transportation

You are also, in view of the continued delay on the part of the Government of the United States, to pay the expenses incurred on this account, authorized to proceed to the City of Washington, as soon as practicable after the first day of January next, with the papers and documents referred to, and there render such aid as you are able, to our Congressional Delegation, in endeavoring to obtain a just recognition and payment of said expenses, for which the State is now liable and unable at present to pay, and which, in my judgment, should be assumed and liquidated by the General Government, a course on her part already recognized by several precedents in Congressional legislation.

You will also report to this Department as frequently as may be necessary to advise the Executive of the progress made in this relation.

JOHN BIGLER

SAN FRANCISCO, January 25, 1854.

HON. JOHN BIGLER :

Sir :—As yet no action has been had by the Legislature relative to sending an agent to Washington with the necessary proof to sustain the " War Claim " Our members of Congress, whom I consulted on the subject before they left for Washington, urged the necessity of this as well as of its being early before them, with a view, if possible, insuring its passage through Congress at the present session. If you will, as suggested in our conversation, advance from your contingent fund, a sufficient amount to pay the ordinary expenses of the trip, I will leave for Washington on the first of February, for the purpose named, with the hope and expectation that the Legislature will soon petition Congress for the payment of the claim, legalize by enactment our proceedings thus far, and make such an appropriation as will remunerate me for time and services in this matter, or pay me a per cent. on the amount obtained, if successful.

Should the subject be longer deferred, waiting legislative action, the session at Washington would, before I could reach there, be so far spent as to prevent the possibility of its being placed before the proper committee, or being reached in the order of business the present Congress

The next, being the short session, would be still more unfavorable to its consideration and success. besides, a tardiness or inactivity manifested on the part of the State in its proper presentation, would lose for it the confidence of those who might (should it be presented early and with promptness pressed confidently with energy) be disposed to entertain it favorably. These considerations induce me to desire to proceed at once, or I should abandon the hope of success. Longer delay would be in all probability, fatal to its success for several years, if not endanger it at any future time. I have conversed with many of the members of the Legislature, who advise me to go at once, and assure me that proper legislation shall be had on the subject, by petitioning for its payment, giving authority for a transmission of the vouchers to me in case an appropriation should be made by Congress, that my services should be paid, or a per cent. be allowed me in case of success ; with this I am willing to enter upon it at once, with the amount of expenses of the trip paid, as already proposed by you.

Respectfully, your^d obedient servant,

WINSLOW S. PIERCE.

EXECUTIVE DEPARTMENT. }
Benicia, January 30, 1854. }

HON. W. S. PIERCE

Dear Sir :—After arriving at Washington City, I desire you to confer freely with our Delegation in Congress, and, if desired by them, to impart correct infor-

mation in relation to our War Debt, to as many members as possible. Give the Delegation the free use of the papers in your possession, but be careful to preserve them so that they can be returned to this Department. Assure them that calls upon the Department here will receive prompt attention, and that the war accounts, properly authenticated, will be forwarded, when required, to them, or any department which Congress may designate. Advise me by each steamer as to the condition of our interest, and make such suggestions as you may deem proper.

I have the honor to be.

Your obedient servant,

JOHN BIGLER.

NEW YORK CITY, February 27, 1854.

HON. JOHN BIGLER :

Sir:—I arrived in this city on the evening of the 23rd. Saw Dr. Gwin, who was staying at the Metropolitan, who urges that I go forward in the matter entrusted to me, as soon as practicable: have also received a telegraphic dispatch from Gen. McDougall, who also desires me to come on immediately, as he wishes to get the matter up as soon as possible. Have seen several of the officers of the United States army, who were in California during the prevalence of our Indian wars, some of whom were at the scene of disturbances in Mariposa and El Dorado, and who will aid, if need be, in giving their testimony with regard to the necessity and extent of these expeditions. This will be of essential aid, and, coupled with the admission made in the letter of General Hitchcock to you, will probably deprive those who may oppose the claim, of the chief argument against it. Col. J. Neely Johnson, also, who was in command of the Mariposa expedition, came on with me and will be in Washington this winter. He will, also, be of service to me, if it becomes necessary, to show that the troops in the Mariposa expedition were retained in service by the joint advice of United States officers and the Indian Commissioners. As soon as I learn that our Legislature has acted in the premises, I will report to you *officially*, as progress is made.

Yours respectfully,

WINSLOW S. PIERCE.

WASHINGTON CITY, March 29, 1854.

TO GOVERNOR BIGLER.

Dear Sir:—I have been, for some weeks past, engaged in pressing the recognition and payment of our War Claim by Congress. I have seen many of the mem-

hers on the subject ; they have generally conceived a prejudice against the claim. This prejudice has been, to a very great degree, the result of our own misrepresentation in the State of California. The press opposed to the administration of the State, particularly, has done much to nurture the want of confidence in our policy and measures. This has to be met by facts presented, which, thus far, have proved successful to change their pre-conceived views. I have turned my attention principally to the House of Representatives first, believing that body would be the one the least liable, at the outset, to entertain the claim favorably. I have submitted the matter to the Committee on Military Affairs in that body ; a report has been written by McDougall, which, I think, the Committee will send to the House with a bill.

If the report is adopted, I will transmit it the next mail, with, also, a statement of the progress of the matter. I shall certainly do *something* for the claim, and know that the efforts now making, will, sooner or later, result in its being assumed by the General Government.

It will, however, be no easy task, but if sustained properly and justly by the Legislature, I will succeed. I will, by next mail, be able probably to increase your confidence in the same. I have already secured many fast and strong friends to the measure, by placing before them the facts. I hope the State will act fairly and justly in the matter. Although, if the probability is, when this reaches you, that another mail can arrive before the adjournment of the Legislature, it may be advisable for the postponement of the action of that body until more definite information can be transmitted.

I hope by that time to be able to convince all there that something has been done to good purpose. My friends can all see this. Many prominent members sustain the claim, among whom I will mention Col Bissell and Gen. Smith.

Please inform me as soon as any action has been had. If we succeed this winter it will be to let the Secretary of War pay the just and equitable claims, and I have pledged to show them that we have good vouchers for all. The Legislature should give every facility, &c.

With respect, I am your obedient servant,

WINSLOW S. PIERCE.

SACRAMENTO CITY, March 30, 1854.

HON. W. S. PIERCE :

Dear Sir — The boat leaves in an hour, and I have not time to write you fully. The War Debt question has not engaged the attention of the Legislature, and I now fear they will delay action until it is too late to effect much at Washington. But I hope you will continue to urge the matter, and give explanations which will enable the delegation to secure the assumption of the Debt at the next session, if we should fail at the present.

I think it would be well to have a provision assuming the Debt incorporated in the General Appropriation Bill. If you can induce the Military Committee and

Jan. 5.]

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the Committee of Ways and Means to meet together; and explain the matter to them, I think you can secure the assumption of the Debt in the Appropriation Bill. If you can, obtain the consent of the Committee of Ways and Means to insert such a provision, I am satisfied the House will not strike it out.

Consult Messrs. Latham and McDougal on the subject, and write to me by the next steamer after the receipt of this hastily prepared note.

Very truly yours, &c ,

JOHN BIGLER.

Extract from letter dated

WASHINGTON CITY, April 27, 1854.

JOHN BIGLER :

Sir.—The report on the War Debt was ordered printed by the House. You will have a copy by the next mail. The General Government will certainly have to pay the expense of expeditions. The facts are so strongly embodied and put in the report that there is no way of their getting rid of it. We cannot get it up right away, but when it does come up it will be earnestly supported by those who are or will be advised of its character. I received your message on the subject this morning. It is all right, and I hope the Legislature will act on it and do full justice in the premises, &c., &c.

Yours truly,

WINSLOW S. PIERCE.

SACRAMENTO CITY, May 29, 1854.

WINSLOW S. PIERCE :

Dear Sir :—I am sorry to say that the Legislature adjourned without acting upon the subject of the War Debt. I reminded them of the great importance of action on this subject in several special communications, determined that no blame should hereafter attach to me on the subject.

If, however, you can succeed, the next Legislature will no doubt remunerate you

liberally for the important service rendered the State. Indeed, your efforts are highly spoken of among the people, who seem to appreciate your services.

I regret the failure of the Legislature to act in this matter, but, having exerted all my influence as well as all my constitutional powers, the responsibility must rest where neglect occurred.

I have the honor to be, very respectfully, your obedient servant,

JOHN BIGLER.

WASHINGTON CITY, April 30, 1854.

HON. JOHN BIGLER :

Since my last letter to you was written, yours of March 30th has been received. The report of the Committee on the War Debt will probably be printed to-morrow. We were to have had it to-day, but failed to receive it from the printing office.

I hope the Legislature will not fail to act upon the important suggestion in your message. It will greatly aid our delegation to have a strong petition from that body. Members here should be assured that the subject is considered all-important there, and about which there is much anxiety, for, if we do not get the appropriation at the outset, it will be more and more difficult to secure it, the longer it is deferred. I have used your special message in some instances to show that it is to be made an important measure of the session. The provision assuming the Debt will be incorporated into the General Appropriation Bill. Had there have been a division in Committee and a majority report on it, the result would have been different, and it would have come up in a special Bill.

McDougal has been quite successful in being able to get it unanimously reported, which secures its being put in the Appropriation Bill. The report is his, from a Committee of which he is a member. It is fortunate for us that it was first submitted to the House. In doing this I acted under the advice of Gen. Shields, Chairman of Military Affairs in the Senate, who is warmly in favor of the measure, and will render all the assistance in his power to further the recognition and payment of the claim.

I hope yet to hear that this subject has not been wholly neglected by the Legislature.

I expect to be absent from this city about ten days, as the Nebraska and Kansas Bill absorbs all attention, and will prevent much from being done for some days.

Respectfully, your obedient servant,

WINSLOW S. PIERCE.

WASHINGTON CITY, June 30, 1854.

HON. JOHN BIGLER.

Dear Sir :—Yours dated 29th has just come to hand. I am not a little disappointed to learn from it that the Legislature adjourned without taking action upon so important a subject as the "War Debt" in its present state, and the circumstances connected with it.

A strong petition from that body was needed for the purpose of urging it more forcibly on Congress, and some provision is required to authorize the transmission to me of the vouchers upon which Warrants and Bonds were issued, to be used in case an appropriation be made.

There is now a very strong probability of the appropriation ; in fact, we cannot see how it can well fail or be stricken out of the Appropriation Bill as it now stands.

The neglect to provide by appropriation or by authorizing the payment of a per centage to me in case of success, is not a little discouraging. I think that I can justly claim that my services in this have been important. I have given this subject my thoughts and time, when I could spare the latter, since 1852, and since I left the Controller's office have attended to it exclusively ; and the failure to give it any attention, on the part of the Legislature, or make any provision to assist in recovering so large an amount as that due for Indian Wars, is poor encouragement for such a sacrifice on my part.

You state in your letter, "If you can succeed, the next Legislature will not doubt remunerate you liberally for the important service rendered," &c. Had they stipulated to pay me a per cent. on the amount in case of success, or have authorized the payment of a compensation commensurate with the importance and extent of the claim, I would have remained not only this session, but until and during the next, should it have been withdrawn from the Appropriation Bill at this. Had not some one been careful to obtain, during the settlements of these expeditions, in the years '52 and '53, all information necessary to substantiate the claim and successfully dispose the many statements from other quarters, which have been sent to Washington to prejudice the same, it would have been exceedingly doubtful whether it could have been successfully pressed upon Congress, or even entertained for a moment by a single Committee of that body. Had no one attended to the securing of all testimony of this character, relative to the necessity of the expenditure on the part of the State, much would have been lost. Having given much time and labor to this, I had reason to anticipate some provision by the Legislature to remunerate me, either contingent upon success, at least, or for time and expenses.

The amount in the Appropriation Bill is \$924,259 65, being the amount due by the State, as shown by my Annual Report of December last, and includes principal and interest due up to January 1st, 1854. It will need no more attention until it may be necessary to secure it from being stricken out of the Bill in Committee of Conference, and our members will be on the alert, without doubt, to prevent this.

Respectfully, your obedient servant,

WINSLOW S. PIERCE.

C

CORRESPONDENCE IN REFERENCE TO THE CUSTOM
HOUSE BLOCK.

SAN FRANCISCO, September 4 1854.

Hon. R. P. HAMMOND,

Sir : If the deed for the Custom House Block, herewith transmitted for your examination, is satisfactory, you are hereby authorized to pay to Hon. S. A. McMeans, Treasurer of State, one hundred and fifty thousand dollars, being one half the amount of the appraised value, and he is hereby authorized to receipt for the money in my name, and deliver the deed to you as agent of the United States, and also fill the blank date in the body.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN BIGLER

CUSTOM HOUSE, SAN FRANCISCO, }
Collector's Office, September 5, 1854. }

SIR :

The Act to provide for the redemption of Controller's Warrants, passed April 1, 1853, and amended May 18, 1853, makes such warrants, "payable out of the General Fund," "receivable for any and all State dues," after the passage of that Act, except for certain taxes and revenue derivable from passengers, as therein specified. The Act to provide for the sale of the interest of the State in the property within the water-line front of the city of San Francisco, makes the terms of sale as follows: "Cash, or the Civil Bonds of the State of California, or the Civil Warrants of the Controller of State on the treasury." The property known as the Custom House Block is included in that referred to in the Act last mentioned, and the Act of May 3, 1854, makes no alteration whatever in the conditions for payment of State dues, or of purchase money of State property, previously fixed by legislative enactments.

With the view, therefore, of saving to the United States a large sum of money, I propose to pay for the Custom House Block aforesaid, in the "Civil Bonds of the State of California, or the Civil Warrants of the Controller of State on the Treasury," and I respectfully request that you will inform me as soon as possible whether you will receive such Bonds or Warrants in payment of the consideration named in the deed of said property.

Very respectfully,
Your obedient servant,

RICHARD P. HAMMOND,
Collector and Disbursing Agent.

His Excellency JOHN BIGLER,
Governor of the State of California.

SAN FRANCISCO, Sept. 7th, 1854.

HON. R. P. HAMMOND.

SIR:—Your note of the 5th inst, tendering, on the part of the United States, Civil Bonds and Civil Warrants of the State of California in payment for the property known as the Custom House Block, situated in the City of San Francisco, is before me.

In reply, I beg leave to state that the act to which you have directed my attention in your note, does not provide for the sale of the property in question, as you will discover by reference to the 16th section, which reads as follows:

"SECTION 16. So much of the property known as the Government Reserves, on the block bounded by Sansome, Battery, Washington and Jackson streets, as may have been selected by or on behalf of the General Government for the erection of a Custom House, is *reserved* and *excepted* from the provisions of this Act."

The foregoing section plainly reserves the property in question from sale under the provisions of the act providing for the sale, by a Board of Commissioners, of the interest of the State of California in the property within the water line front of the City of San Francisco; and of course I cannot regard the provisions of law, to which you have directed my attention, as authorizing me to receive from the General Government the Civil Bonds and Civil Warrants of this State in payment for the property situated in the City of San Francisco, known as the Custom House Block.

I shall be governed in my action in the premises by the Act of 3d May, 1854, entitled "An Act to authorize the Governor of this State to convey certain property in the City of San Francisco to the United States, for certain purposes."

The 2d section of this act provides that the Appraisers shall view the property and fix a *cash value*, and the 3d section provides that upon the payment of an amount "equal to one half" of the estimated *cash value*, the Governor shall de-

liver a deed to the District Attorney of the United States.

With all the provisions of this Act I am now ready and willing fully to comply.

In this connection, I beg leave further to state that certified copies of the Act of May 3d, 1854, above referred to, were by me transmitted to the Secretary of the Treasury and each of our delegation in Congress.

After the receipt of copies of this Act, and with a full knowledge of its provisions, I am informed that Congress appropriated the sum of one hundred and fifty thousand dollars (\$150,000) in lawful currency of the United States, to be paid to the State of California for the property in question.

Believing that Congress appropriated the amount in legal currency of the United States, and that the same kind of funds should be paid to the State of California, it now only remains for me to assure you that I will not receive in payment the Civil Bonds or Civil Warrants of this State, as you propose, but am prepared to execute a deed to the United States for the property situated in the City of San Francisco, known as the Custom House Block, as directed by the Act of May 3d, 1854, and to receive in payment for the same the sum of one hundred and fifty thousand (\$150,000) dollars, in the lawful currency of the United States.

You will oblige me much by giving this matter immediate consideration.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN BIGLER,

Governor of the State of California.

[No. 35.]

COMPTROLLER'S OFFICE,
SACRAMENTO, California, Sept. 9, 1854. }

This is to certify, that His Excellency, John Bigler Governor of California, has paid the Treasurer of State one hundred and fifty thousand dollars in the legal currency of the United States.

Credited to the Interest Fund of 1851—\$150,000 00, being the amount due said fund, received by him for State Property, by virtue of an Act passed May 3d, 1854, and that he is hereby discharged from all liabilities as to the same.

SAM. BELL,

Controller of State,

By ELAM COVINGTON,

Clerk.

[\$150,000 00]

Mr. Wells offered the following resolution :

Resolved, That 5000 copies of the Governor's Message be ordered printed for the use of the Assembly.

Mr. Ryland moved to strike out five thousand copies, and insert two thousand five hundred.

Agreed to.

Mr. Ashley moved the following substitute :

Resolved, That of the Governor's Message there be printed for the use of the House :

In English,.....	3,000	copies.
In Spanish,.....	500	"
In German,.....	500	"
In French,.....	500	"

Mr. Stevenson moved to strike out three thousand copies, and insert one thousand.

Lost

Mr. Stevenson moved to lay the whole matter on the table.

Not agreed to,

Mr. Smith, of Marin, moved to strike out those copies that were to be printed in French and German.

Lost.

Mr. Ashley's substitute was adopted.

Mr. Stevenson offered the following resolution -

Resolved, That if this House employ a Chaplain, the expense shall be paid equally by the members of this body.

On motion of Mr. Taliaferro, the resolution was indefinitely postponed.

Mr. Quinn presented the following resolution ;

Resolved, That a committee of five be appointed to report to the House, as speedily as possible, a per diem compensation for its officers.

The resolution was adopted.

The Speaker appointed Messrs. Quinn, Watkins, Rowe, Waite and Flournoy, the committee.

The report of the Secretary of State was received, read and referred to a committee of five.

The Speaker appointed Messrs. Johnson, of El Dorado, Cammet, Burk, Mellus and Ferrell, the committee.

Mr. Farwell presented the following resolution :

Resolved, That a Special Committee of five be appointed to inquire into and investigate the condition and management of the State's Prison.

Lost.

Mr. Farwell gave notice that he would, at an early day, introduce a bill providing for the registry of the names of legal voters in the incorporated cities of the State.

Mr. Murdock gave notice that, at an early day, he would introduce a bill concerning "town lots" upon public lands.

Mr. Douglas presented the following.

Resolved, That the Sergeant-at-Arms be authorized to employ some person to place a railing in front of the lobby.

Adopted.

Mr. Cunningham, of Sierra, gave notice that he would, at an early day, introduce a bill defining the rights of miners and ditchers.

Mr. Kinney moved to adjourn until Tuesday, 9th January, at 10 o'clock, A. M. Agreed to.

IN ASSEMBLY.

TUESDAY, January 9, 1855.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were absent:

Messrs. Brown of Contra Costa, Brown of Nevada, Cory, Cunningham of El Dorado, Flournoy, Gragg, Jones, Rowe and Smith of Marin.

On motion, leave of absence was granted to Mr. Cory for ten days.

Mr. Clayton was sworn in.

Journals of January 3d, 4th and 5th were read, amended and approved.

Mr. Knox moved to omit the reading ayes and noes in the Journals of the preceding days.

Lost.

The Speaker announced the Standing Committees:

Judiciary.—Edwards, Rodgers, Ashley, Taylor, Ryland, Ferrell, Burke, Sherard and Farley.

Ways and Means.—Douglas, Caninet, Waite, Taliaferro, Dana, Amyx, Murdock, Meredith and Jones.

Federal Relations.—Oxley, Johnston of San Francisco, Andrews, McConnell, Flournoy, Moreland, Cunningham of Sierra, Baker and Foster.

Commerce and Navigation.—Buffum, Mellus, Gragg, Kinney, Cory, Bogardus and Beatty.

Education.—Gober, Kinncy, Dana, Taliaferro, Farwell, Bates and Cunningham of El Dorado.

Mines and Mining Interests.—Rowe, Adkison, Amyx, Phelps, Wells, Meredith, Lincoln, Boles and Smith of El Dorado.

Printing.—Farwell, Sherrard, Arrington, Knox, Moreland, Hunt and Buffum.

State Prison.—Arrington, Knox, Ferguson, Curtis, Farwell, Doughty and Cook.

Agriculture —Brown of Contra Costa, Updegraff, Douglas, Cook, Johnson of El Dorado, Stewart and Singley.

Corporations.—Whitney, Cory, Watkins, Johnston of San Francisco, Adkison, Stevens and Galvin.

Accounts and Expenditures.—Mellus, Graves, Phelps, McCutchan and Foster.

Escheated Estates —Ferrell, Ashley, Rodgers, Waite and Taylor,

Public Buildings and Grounds.—Lincoln, Curtis, Vineyard, Stewart and Smith of Marin.

State Hospital.—Bates, Knox, Oxley, Geller and Jones.

Claims.—Waite, Brewton, Smith of Marin, Brown of Nevada, and Gober.

Public Lands —Doughty, Watkins, Brown of Contra Costa, Johnson of El Dorado, Covarrubias, Coombs, Ashley, Douglas and Stevenson.

Elections.—Hosmer, Cory, Knox, Arrington and Oxley.

Counties and County Boundaries.—Farley, Geller, Gaylord, Graves and Stevens.

Roads and Highways —Gaylord, Smith of Marin, Updegraff, Brown of Nevada, Singley, Beatty and Whitney.

Enrollment.—Meredith, Smith of El Dorado and Boles.

Engrossment.—Moreland, Quinn and Palmer.

Military Affairs.—Gen. Covarrubias, Capt. Hunt, Capt. Rowe, Gen. Douglas and Col. Edwards.

Mileage —Keys, Gaver, Clayton, Coombs and Sherrard.

Indian Affairs.—Burke, Murdock, Covarrubias, Chase and Gaver.

Mr. Ryland made the following report :

The Committee on Rules and Regulations for the government of the Assembly during the present session, having had the same under consideration, ask leave res-

pectfully to report the following, and recommend their adoption Your Committee would further report that they have had under advisement the Joint Rules for the Senate and Assembly, but deeming that they had not the power to report the same, would suggest that a Committee be appointed, in conjunction with a Committee from the Senate, to draft a set of Rules for the joint government of the Senate and Assembly.

C. T. RYLAND, Chairman.

On motion of Mr. Johnston, of San Francisco, the House resolved itself into a Committee of the Whole, to consider the report.

Mr. Johnston, of San Francisco, in the chair.

The committee made sundry amendments to the Rules, rose and reported them back to the House, and, upon motion, were discharged.

The amendment to Rule 19th, adopted in Committee of the Whole, adding a Committee on State Hospitals and, also, adding to Rule 17th the following: "All fees accruing to the Sergeant-at-Arms for arrest, custody and release of members, shall be paid by the members so arrested, held in custody and released, unless excused by a vote of the House," were concurred in.

The other amendments adopted in committee were not concurred in by the House.

The following Standing Rules, as reported by the Select Committee, were adopted, and two hundred and forty copies ordered to be printed.

STANDING RULES AND ORDERS.

I.

MEETING.

The House shall meet each day of sitting at ten o'clock, A. M., unless the House shall adjourn to some other hour

II.

ORDER OF BUSINESS.

After the reading and approval of the Journal, the order of business shall be as follows :

- 1st. Presentation of Petitions.
- 2d. Second reading and reference of Bills.
- 3d. Introduction of Bills.
- 4th. Notices.
- 5th. Reports of Standing Committees.
- 6th. Reports of Select Committees.
- 7th. Messages from the Governor.
- 8th. Messages from the Senate.
- 9th. Motions and Resolutions.
- 10th. The third reading of Bills.
- 11th. Unfinished business of the preceding day.
- 12th. Special Orders of the day.

III.

It shall be in order for the Committee on Enrolled Bills to report at any time.

IV.

Messages from the Governor, State Officers, and from the Senate, may be considered at any time by vote of the House.

V.

PETITIONS.

Petitions, Memorials and other papers addressed to the House shall be presented by the Speaker, or by a member in his place. A brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table or be referred, as the House shall determine.

VI.

BILLS.

Every Bill shall be introduced by giving at least one day's notice, or by leave of two-thirds of the House ; except such bill shall be introduced by a Committee in accordance with a rule of the House.

VII.

Every Bill shall receive three readings previously to its being passed. The Speaker shall give notice at each reading, whether it be the first, second or third, which readings shall be on different days, unless the House unanimously direct otherwise. No Bill shall be amended or committed until twice read. The first reading of a Bill shall be for information, and if opposition be made to it, the question shall be, " Shall this bill be rejected " If no opposition be made, or if the question to reject be negatived, the Bill shall then take the usual course.

VIII.

General Appropriation Bills shall be in order in preference to any other Bills, unless otherwise ordered by a majority of the House.

IX.

All proceedings touching appropriations of money shall be first considered in a Committee of the Whole House ; and no addition to any appropriation shall be made out of Committee of the Whole.

X.

A Bill or Resolution may be committed with special instructions at any time before the final vote is taken.

XI.

DUTIES OF SPEAKER

He shall take the chair precisely at the hour appointed for meeting ; shall immediately call the House to order, and on the appearance of a quorum shall cause the Journal of the preceding day to be read.

XII.

He shall preserve order and decorum ; may speak to points of order in preference to other members, rising from his seat for that purpose ; and shall decide questions of order, subject to an appeal to the House by any two members ; on which appeal no member shall speak more than once, unless by leave of the House.

XIII.

He shall have a general direction of the Hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

XIV.

All Acts, Addresses and Joint Resolutions shall be signed by the Speaker. And all writs, warrants and subpoenas issued by order of the House shall be under his hand attested by the Clerk.

XV.

In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

XVI.

SERGEANT-AT-ARMS AND DOOR-KEEPER.

The Sergeant-at-Arms shall attend the House during its sittings, to execute the commands of the House ; and all process issued by authority thereof, directed to him by the Speaker. He shall be sworn to keep the secrets of the House.

XVII.

The Sergeant-at-Arms shall receive for every arrest, the sum of one dollar ; for each day's custody and releasement, one dollar ; and for travelling expenses for himself or a special Messenger, going and coming, twenty-five cents per mile. But no compensation shall be allowed for the arrest, custody or releasement of members, under a call of the House, within the limits of the city of Sacramento. All fees accruing to the Sergeant-at-Arms for arrests, custody and release of members, shall be paid by the members so arrested, held in custody and released, unless excused by a vote of the House.

XVIII.

The Door-Keeper shall be sworn to keep the secrets of the House.
The Standing Committees shall be as follows :

XIX.

1. A Committee on Elections.
2. " Corporations.
3. " Public Printing.
4. " Claims.
5. " Ways and Means.
6. " Judiciary.
7. " Military Affairs.
8. " Indian Affairs.
9. " Counties and County Boundaries.
10. " Commerce and Navigation.
11. " Education.
12. " Agriculture.
13. " Roads and Highways.
14. " Public Buildings and Grounds.
15. " Public Expenditures and Accounts.
16. " Mines and Mining Interests.
17. " Public Lands.
18. " Federal Relations.
19. " Engrossment.
20. " Enrollment.
21. " State Prisons.
22. " Mileage.
23. " Escheated Estates.
24. " State Hospitals.
25. " Internal Improvements.
26. " Vice and Immorality, (to consist of five.)

XX.

All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

XXI.

It shall be the duty of the Committee on Elections to examine and report upon the certificate of election, or other credentials, of the members returned to serve in this House, and to take into their consideration all such petitions, and other matters touching elections and returns, as shall or may be presented or come into question, and be referred to them by the House.

XXII.

It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure, and to report from time to time their opinion thereon.

XXIII.

It shall be the duty of the Committee on Claims to take into consideration all such petitions and matters or things touching claims and demands on the State, as shall be presented, or shall or may come in question, and be referred to them by the House, and to report their opinion thereupon.

XXIV.

It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the State, as shall be presented, or shall or may come into question and be referred to them by the House, and to report from time to time their opinion thereon.

XXV.

It shall be the duty of the Committee on the Public Lands to take into consideration all such petitions and matters or things, respecting the lands of the State, as shall or may come in question, and be referred to them by the House, and to report their opinion thereon.

XXVI.

It shall be the duty of the Committee on Public Expenditures and Accounts to examine into the state of the several public departments, and particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformable with such laws; and, also, to report from time to time such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers.

XXVII.

It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the Military establishment and public defense, which may be referred to them by the House, and to report their opinion thereupon; and, also, to report from time to time such measures as may contribute to economy and accountability in the said establishment.

XXVIII.

It shall be the duty of the Committee on Roads and Highways to take into consideration all such petitions and matters and things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question and be referred to them by the House, and to report thereupon.

XXIX.

It shall be the duty of the Committee on Public Buildings and Grounds to consider all subjects relating to the public edifices and grounds within the Seat of Government, which may be referred to them, and report their opinion thereon.

XXX.

It shall be the duty of the Committee on Mileage to ascertain and report the distance for which each member shall receive pay.

XXXI.

No Committee shall be permitted to employ a Clerk at the expense of the State, without first obtaining leave of two-thirds of the House for that purpose.

XXXII.

When a motion is made to refer any subject, and different Committees shall be proposed, the question shall be taken in the following order :

The Committee of the Whole House.

A Standing Committee.

A Select Committee.

XXXIII.

In forming a Committee of the Whole House, a Chairman, to be named by the Speaker, shall preside ; bills committed to a Committee of the Whole House, shall, in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the House by the Chairman. After report, the bill shall again be subject to amendment before the question is taken.

XXXIV.

The Rules of the House shall be observed in Committee of the Whole, so far as may be applicable, except limiting the times of speaking, and except that the ayes and nays shall not be taken.

XXXV.

A motion that the Committee rise shall always be in order, and shall be decided without debate.

XXXVI.

DECORUM AND DEBATE.

If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain, and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed, but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House ; but no discussion of a question of order shall be allowed unless an appeal be taken from the decision of the Chair.

XXXVII.

When two or more members rise at once, the Speaker shall name the member who is first to speak.

XXXVIII.

Every member when he speaks, shall, standing in his place, address "Mr. Speaker," and, when he has finished, he shall sit down. No member shall speak more than twice, during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave; and members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

XXXIX.

If any member be called to order for offensive words spoken in debate, the person calling him to order shall report the words excepted to, and they shall be taken down in writing at the Clerk's table, and no member shall be held to answer, or be subject to the censure of the House, for language used in debate, if any member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.

XL.

Any member may rise to explain a matter, personal to himself, with leave of the Chair, but shall not discuss a question in such explanation.

XLI.

If a question pending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken on the preceding day shall be permitted again to speak, without leave of two-thirds of the House.

XLII.

MOTIONS. ETC.

No motion shall be debated, until the same be seconded and distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the Speaker or any member, and be read by the Clerk, before the same shall be debated. A motion may be withdrawn at any time before amendment or decision.

XLIII.

A motion to adjourn, or to fix the time to which the House will adjourn, shall always be in order, and be decided without debate. The Clerk shall enter on the Journals the name of any member moving an adjournment, and also the hour at which the motion was made.

XLIV.

When a question is under debate or before the House, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely: which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate. And no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of proceedings. A motion to strike out the enact-

ing clause of a bill or resolution shall have precedence of a motion to amend, and if carried, shall be considered equivalent to its rejection.

XLV.

The previous question shall be in this form : " Shall the main question be now put ?"—and its effect shall be, to put an end to all debate, and bring the House to a vote on the question or questions before it.

XLVI.

All incidental questions of order, arising after a motion is made for the previous question, and pending such, shall be decided (whether on appeal or otherwise) without debate.

XLVII.

The previous question shall only be put when demanded by three members.

XLVIII.

When a question is postponed indefinitely, the same shall not again be introduced during the session.

XLIX.

Any member may call for a division of the question, which shall be divided, if it comprehend propositions in substance so distinct that one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

L.

No motion or proposition on a subject different from that under consideration shall be admitted as an amendment. No bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

LI.

A proposition to print an extra number of any document, or other matter, shall lie on the table one day for consideration, unless otherwise ordered by unanimous consent of the House.

LII.

No bill or other matter shall be printed without first being specially ordered by the House, and the Sergeant-at-Arms shall be required to certify to the reception by the House of all such printed matter and the quantity, before payment shall be made or bills audited.

LIII.

Maps accompanying documents shall not be printed under the general order to print, without the special direction of the House.

LIV.

In filling up blanks, the least sum and shortest time shall be first put.

LV.

All questions relating to the priority of business shall be decided without debate.

LVI.

When the reading of a paper is called for, except petitions, and the same is objected to by any member, it shall be determined by a vote of the House without debate.

LVII.

When a question on a motion, or on the final reading or passage of a bill or resolution, shall have been decided in the affirmative or in the negative, it shall be in order for any member of the majority to move for a re consideration thereof on the same day, or by giving notice of such intention on the succeeding day, and after such notice being given, it shall not be in order for any member to move a re-consideration on the day on which such motion or question shall have been decided; and such motion shall take precedence of all other questions, except a motion to adjourn.

LVIII.

In all cases of election by the House, the vote shall be taken *viva voce*.

LIX.

The ayes and nays shall be taken when called for by three members present, and every member within the bar of the House when his name is called, shall (unless for special reasons he be excused) declare openly and without debate his vote. In taking the ayes and nays, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journals the names of those demanding the ayes and nays.

LX.

No member or other person shall remain by the Clerk's table while the ayes and nays are being called, or while the votes are being counted.

LXI.

No member shall vote on any question, in the result of which he is personally interested or involved.

LXII.

Upon a division and count of the House on any question, no person without the bar shall be counted.

LXIII.

No member shall be allowed to explain his vote, or discuss the question, while the ayes and nays are being called; and no member shall be allowed to change his vote, after the vote is announced from the Chair.

LXIV.

CALL OF HOUSE.

Upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which the names of the absentees shall again be called over. The doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of those present, be taken into custody as they appear, or may be sent for and taken into custody by the Sergeant-at-Arms, wherever to be found, or by special messenger to be appointed for that purpose.

LXV.

MISCELLANEOUS

No standing rule or order of the House shall be rescinded or changed without a vote of two-thirds and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily, by a vote of two-thirds of the members present.

LXVI.

No member shall absent himself from the service of the House without the leave of the House, except in case of sickness; and if any member, or officer of the House, absent himself without leave, his per diem shall not be allowed him; but no member shall obtain leave of absence, or be excused, without a vote of two-thirds of the House.

LXVII.

No persons, except Senators, State Officers and ladies, shall be admitted within the Bar of the House, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the House cleared of all such persons.

LXVIII.

No smoking shall be allowed within the Assembly Chamber during the session of the House.

LXIX.

The rules of parliamentary practice contained in Jefferson's Manual, shall

govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules of the Senate and House of Assembly.

LXX.

The Assembly Room shall not be used for any public or private business other than Legislative, except by permission of the House.

LXXI.

Witnesses summoned to appear before the House, or any of its Committees, shall be paid as follows: For each day a witness shall attend, the sum of two dollars. For each mile he shall travel in coming to and going from the place of examination, the sum of twenty-five cents; but nothing shall be paid for traveling home, when the witness has been summoned at the place of trial. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

LXXII.

It shall be in order for any member or members to protest against the action of the House, and have such protest entered upon the minutes.

Mr. Wells offered the following resolution :

Resolved, That when bills are ordered printed for the use of the House, two hundred and forty copies be the number printed, unless expressly ordered otherwise by the House.

Adopted.

Mr. Ryland gave notice that he would, at some future day, introduce a bill for an Act to amend an Act concerning Estrays.

Also, a bill for an Act to prevent Hogs from being Commoneers.

Also, a bill for an Act to legalize Arrests made by Telegraphic Information.

Mr. Arrington gave notice that he would, at an early day, introduce a bill for an Act to amend the Constitution of the State of California, and provide for Biennial Sessions of the Legislature.

Also, an Act for the permanent Location of the Seat of Government.

Mr. Gober gave notice that he would introduce, at an early day, a bill for an Act concerning the keeping of Hogs and Cattle, and to prevent their running at large.

Also, a bill for an Act amendatory of and supplementary to an Act concerning Lawful Fences.

Also, a bill for an Act to prohibit the Carrying of Concealed Weapons

Also, a bill for an Act to prohibit the manufacture, sale and use, as a beverage, of Alcoholic or Intoxicating Liquors.

Mr. Johnston, of San Francisco, gave notice that he would, at an early day, introduce a bill for an Act to amend an Act prescribing the manner of Electing United States Senators.

Also, an Act supplementary to an Act to provide for the permanent Location of the Seat of Government of the State of California.

Also, an Act limiting the Sessions of the Legislature of this State.

Mr. Cunningham, of El Dorado, gave notice that at an early day he would introduce a bill for the Reduction of Poll Tax.

Mr. Doughty gave notice that he would, at an early day, introduce a bill for the better Protection of Actual Settlers.

Mr. Farwell gave notice that he would, at an early day, introduce a bill providing for the construction of an Emigrant Road from the foot hills across the Sierra Nevada.

Mr. Hosmer gave notice that he would, at an early day, introduce a bill to remedy a defect in the Records of San Francisco County.

Mr. Farley gave notice that he would, at an early day, introduce a bill to exempt Mining Claims from forced sale.

Also, a bill to divide the Nineteenth Senatorial District, composed of the Counties of Amador and Calaveras.

Mr. Watkins gave notice that he would, at some early day, introduce a bill to encourage the Construction of a Railroad and Telegraph Line from the Bay of San Francisco to the Eastern Line of California, with Branches thereto.

Mr. Murdock gave notice that, at an early day, he would introduce a bill concerning Deeds, Bonds and other Specialties

Mr. Bogardus gave notice that he would, at an early day, introduce a bill for the Construction of a Stage or Wagon Road from Sacramento City, on the nearest and most practicable Route, to Carson Valley.

Mr. Graves gave notice that, at an early day, he would introduce a bill to legalize certain Records in the County of San Luis Obispo.

Mr. Buffum gave notice that he would, at an early day, introduce a bill more clearly to define the Powers of the Governor in the Commutation of Sentences of Persons convicted of Capital Crimes.

Mr. Ferrell gave notice that he would, at an early day, introduce a bill to amend an Act entitled "An Act to Regulate Elections"

Mr. Hosmer gave notice that he would, at an early day, introduce a bill to amend an Act concerning State Licenses.

Mr. Covarrubias offered the following concurrent resolution :

Resolved, (by the Assembly, the Senate concurring) That a Committee of three from each House be appointed to examine proposals for translating the laws into Spanish.

Adopted.

Messrs. Covarrubias, Smith of Marin, and Mellus were appointed as the Committee on the part of the House.

Mr. Taliaferro gave notice that he would, at an early day, introduce a bill for the Prevention of the Emigration of Chinese into this State.

Mr. Taylor gave notice that he would, at an early day, introduce a bill for an Act entitled "An Act for the Appointment of a Commission to Codify the Laws of this State, and suggest Alterations and Amendments thereto."

Also, a bill to amend an Act entitled "An Act to Provide for the Lien of Mechanics and others."

Also, a bill to amend an Act entitled "An Act defining the Time for Commencing Civil Actions."

Also, a bill to amend an Act to Provide Revenue for the Support of the Government of this State.

Mr. Rogers gave notice for the introduction of a bill to amend an Act entitled "An Act for the Settlement of the Estates of Deceased Persons."

Mr. Ashley, agreeably to previous notice, introduced a bill for an Act concerning Fees in Office.

Read first time and 240 copies ordered printed.

Mr. Knox gave notice that he would, at an early day, introduce a bill for an Act to regulate the Payment of State Bonds and Scrip, according to Registry.

Mr. Wells offered the following resolution :

Resolved, That that portion of the Governor's message pertaining to the Census be referred to a special Committee of five, to be appointed by the Chair.

Adopted.

The Speaker appointed Messrs. Wells, Singley, Adkison and Cory.

Mr. Rowe offered the following :

Resolved, That the State Printer be required to print the German copies of the Governor's message in German text or characters.

Adopted.

Mr. Kinney, pursuant to notice, introduced a bill for an Act to divide the State into Congressional Districts.

Read first time and laid over under the rules.

He also, on leave, introduced a bill for an Act requiring the Controller to audit certain bills of the Members and Officers of the present Legislature.

Read first time.

On motion of Mr. Taylor, Assembly resolution, fixing the time for electing a Chaplain, was taken from the table, Messrs. Flournoy, Douglas and Arrington demanding the ayes and noes, by the following vote :

AYES.

Messrs. Arrington, Bates, Boles, Brewton, Brown of Contra Costa, Burke, Cammet, Cunningham of El Dorado, Dana, Douglas, Edwards, Farley, Farwell, Ferrell, Flournoy, Galvin, Gaylord, Gober, Hosmer, Hunt, Johnston of San Francisco, Keyes, Knox, Lincoln, McConnell, Mellus, Meredith, Oxley, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevens, Sherrard, Smith of El Dorado, Taliaferro, Taylor, Updegraff, Vineyard, Waite, Wells, Whitney—43.

NOES.

Messrs. Andrews, Amyx, Ashley, Adkison, Baker, Beatty, Bogardus, Brown of Nevada, Buffum, Chase, Coombs, Covarrubias, Doughty, Foster, Geller, Graves, Gragg, Johnson of El Dorado, Jones, Kinney, McCutchan, Moreland, Murdock, Palmer, Stevenson, Singley, Stewart, Watkins—28.

Mr. Buffum offered the following as a substitute :

Resolved, That the resident clergy of Sacramento be invited to officiate, alternately, as Chaplains in this House, provided that they receive no compensation for the same.

Agreed to.

The question was then put upon the adoption of the resolution.
Lost.

Mr. Johnston, of San Francisco, presented the following resolution :

Resolved, That the Speaker be hereby authorized to appoint a Committee of three to wait upon the State Printer immediately, and inform him that no accompanying documents are to be printed with the Governor's message, under the resolution of this House, of the 5th inst., providing for the printing of the Governor's message.

Adopted.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate, on the 5th inst., adopted a concurrent resolution for the appointment of two members on the part of the Senate and two on the part of the Assembly, to draft and report Joint Standing Rules of the Senate and Assembly; and that the Senate have appointed Messrs. Keene and Moore as such Committee on the part of the Senate.

Also, that the Senate have this day adopted, as a substitute to the concurrent resolution of the Assembly, a concurrent resolution to meet the Assembly in Joint Convention, in the Assembly Hall, on Wednesday, the 17th inst, at 12 o'clock, M, for the purpose of electing a United States Senator, in the place of the Hon. William M. Gwin, whose term of office expires on the fourth of March next.

WM. A. CORNWALL,
Secretary of the Senate.

The following Senate concurrent resolution was concurred in :

Resolved, (the Assembly concurring) That a Committee of two members on the part of the Senate and two on the part of the Assembly be appointed, to draft and report Joint Standing Rules of the Senate and Assembly.

The Speaker appointed Messrs. Flournoy and Watkins in behalf of the House.

In the Senate concurrent resolution above reported, Mr. Buffum moved to strike out " Wednesday, the 17th inst.," and insert " Saturday, the 13th inst."

Motion lost.

The resolution, as sent from the Senate, concurred in.

Mr. Edwards gave notice that on to-morrow, or as soon thereafter as he could be heard, he would move a reconsideration of the vote on the resolution requesting the clergymen of this city to officiate as Chaplains of this House without compensation.

At twenty minutes after two o'clock, on motion of Mr. Farley, the House adjourned.

IN ASSEMBLY.

WEDNESDAY, January 10, 1855.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were absent: Messrs. Covarrubias, Ferrell, Ferguson, Jones, Murdock and Vineyard. Journal read, amended and adopted.

Mr. Watkins presented a petition from James F. Hibbard praying for a grant to certain overflowed lands in the county of Alameda.

Read and referred to the Committee on Public Lands.

Assembly bill No. 2, read second time, and, on motion of Mr. Kinney, referred to Committee of the Whole at 12 o'clock, M., to-morrow.

Assembly bill No. 3, read second time, and, on motion, was referred to Committee of the Whole at one o'clock, P. M., to-morrow.

Mr. Lincoln gave notice that he would, at an early day, introduce a bill for the improvement of the emigrant road, known as the Beckwith Route, passing through the American Valley.

Mr. Brown, of Nevada, gave notice that he would, at an early day, introduce a bill amendatory of an Act concerning Roads and Highways, passed April 11th, 1850.

Also, that, at an early day, he would introduce a bill for the construction of an emigrant road from Carson Valley to Eureka in Nevada County.

Mr. Adkison gave notice that he would, at an early day, introduce a bill to regulate the rights and privileges of ditch owners in the mining districts.

Mr. Geller gave notice that he would, at an early day, introduce a bill to divide the tenth Judicial District.

Mr. Baker gave notice that he would, on to-morrow or some future day, introduce a joint resolution, instructing our Senators and requesting our Representatives in Congress to exercise their influence to procure the establishment of a mail route from Stockton to Visalia in Tulare County.

Also, a joint resolution for establishing a land office in Tulare County.

Also, a bill for an Act to provide for the reclamation and sale of the swamp and overflowed lands belonging to this State.

Mr. Kinney gave notice that he would, at an early day, introduce a bill to lay out and establish a State road, running from the eastern boundary of the State into the Sacramento Valley.

Mr. Brewton gave notice that he would, at an early day, introduce a bill to create a Board of Supervisors for the County of Sacramento.

Mr. Doughty gave notice that he would, at an early day, introduce a bill for an Act to provide for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress.

Mr. Watkins gave notice that he would, on to-morrow, introduce a bill to improve the navigation of Alameda River.

Also, a bill to provide a Board of Supervisors for the County of Alameda.

Mr. Ryland gave notice that he would, at an early day, introduce a bill for an Act to fix the terms of the Probate Court, County Court and Court of Sessions in the County of Santa Clara.

Mr. Bates gave notice that he would, at an early day, introduce a bill concerning the time of holding Courts in the County of Shasta.

Mr. Graves gave notice that, at an early day, he would introduce a bill for an Act to enumerate the inhabitants of the State of California.

Also, an Act to repeal an Act entitled an Act concerning County Judges, passed April 4, 1854, so far as the same applies to the County of San Luis Obispo.

Mr. Johnston, of San Francisco, gave notice that he would, at an early day, introduce a bill for an Act to amend an Act entitled an Act adopting the Common Law.

Mr. Foster gave notice that he would, at an early day, introduce a bill regulating toll-bridges and toll-roads.

Mr. Amyx gave notice that he would, at an early day, introduce a bill for the improvement of the emigrant road from Sonora, in Tuolumne County, to the head of Walker's River, on the east side of the Sierra Nevada Mountains

Mr. Waite gave notice that, at an early day, he would ask leave to introduce a bill for an Act for the protection of the ballot box, and to persons the purity of elections.

Also, a bill for an Act to enlarge to powers of Trustees of incorporated towns.

Mr. Andrews gave notice that he would introduce a bill, at an early day, concerning the punishment of vagrants.

Mr. Quinn, Chairman of the Committee appointed to report upon the per diem compensation of the officers of the Assembly, reported Assembly bill No. 4, and recommended its passage.

Bill was read first time.

The following message was received from the Senate.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have this day adopted a concurrent resolution, a copy of which is herewith transmitted, directing the appointment of a Committee of two from the Senate and two from the Assembly, to visit the State Prison and investigate the causes which have led to the numerous escapes of convicts during the past year; and that they be instructed to inquire into the general management of that institution, and report the result of their investigations in writing as early as practicable; and that the Senate have appointed Messrs. Whiting and Day as such Committee on the part of the Senate.

WM. A. CORNWALL,
Secretary of Senate.

The Senate concurrent resolution relative to the causes which have led to the numerous escapes of convicts during the past year, and the general management of the prison, was concurred in.

Messrs. Keys and Dana were appointed the Committee on behalf of the House.

Mr. Edwards presented the following concurrent resolution :

Resolved, (by the Assembly, the Senate concurring,) That leave of absence from this State for four months from the time of his departure be granted to Alonzo C. Monson, District Judge of the Sixth Judicial District.

Mr. Ashley moved to change the resolving clause.

Not agreed to.

Messrs Ashley, Watkins and Buffum demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Arrington, Adkison, Bates, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Cory, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Dana, Douglass, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Galvin, Gober, Graves, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, McConnell, Mellus, Meredith, Palmer, Rodgers, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Watkins, Whitney and Mr. Speaker—49.

NOES.

Messrs. Ashley, Baker, Beatty, Bogardus, Buffum, Clayton, Gaver, Gaylord, Hunt, Keys, Kinney, Knox, Lincoln, McCutchan, Moreland, Murdock, Oxley, Phelps, Quinn, Ryland, Waite and Wells—22.

The resolution of Mr. Edwards was adopted.

Mr. Douglass moved to refer the papers in the contested election case, McCurdy *vs.* Galvin, to the Committee on Elections, with instructions to report as soon as practicable.

Agreed to.

Mr. Amyx presented the following protest :

I, for myself, and in behalf of my colleague, Mr. E. R. Galvin, offer the following objections to the introduction of the papers now presented in the case of a contest here offered to be commenced by Samuel McCurdy contestant against E. R. Galvin, who appeared here regularly certified as a member elect of this body.

First. That from the certificate now on file in this House, of the County Clerk of Tuolumne County, it is clearly and indisputably established in a lawful manner, that E. R. Galvin is one of the members properly elected from Tuolumne County.

Second. That said papers so offered to be introduced, were not presented at the time nor in the manner prescribed by law, and the time has elapsed for the filing of such papers before this body.

I therefore object to their introduction at this time, and ask that the above stated grounds of objection be entered at length upon the Journal of the Assembly.

The protest was ordered to be placed upon the Journal.

Mr. Edwards offered the following resolution :

Resolved, That the Sergeant-at-Arms of this Assembly be instructed to procure maps of the State of California, and Colton's map of the United States, and map of the world, not to exceed two of each kind, together with such other

maps of the mining regions of this State as may be authorized by the Speaker, and to place them in suitable places within the Hall of this House.

Adopted and afterwards reconsidered and laid on the table.

Mr. Whiting presented the following resolution :

Resolved, That so much of the Governor's Message as relates to the liquidation of the public debt be referred to the Committee of Ways and Means, with instructions to inquire into the expediency of selling a sufficient amount of the property of the State to discharge the same; and that they report by bill or otherwise.

Adopted.

Mr. Smith, of Marin, presented the following concurrent resolution :

Whereas, The situation of California with respect to the United States is such that, in case of a war with any of the great maritime Powers, her supplies would, to a great extent, be cut off; her resources, though important to the general welfare, be cramped; her population isolated, and the military supplies necessary for her defense at the mercy of an enemy of ordinary capacity and energy, and one of the most important States in the Union left without even ordinary means of safety for herself, or ability to add, as she would be able to do, to the ability of her sister States to resist a common enemy; therefore,

Resolved, (the Senate concurring,) That our Senators be requested and our Representatives instructed to press upon the attention of Congress at the present session, the necessity of passing an Act to open a military road, at the earliest day possible, from some point on the waters of the Mississippi to California, and that sufficient appropriations be made at this session to carry the same into effect; and, also, to raise a sufficient body of troops to guard the same, and protect from Indian hostilities the emigration that is now annually crossing the Plains to this State.

Mr. Farwell moved the following substitute :

Whereas, The immediate necessities of California demand that every facility should be extended, both by the Federal and State Government, to favor and assist a healthy and popular immigration into our limits; *and, whereas*, the present means and inducements are not only inadequate but entirely beyond the reach of that class of people most needed in our State for its prosperity and advancement; therefore, be it

Resolved, (the Senate concurring,) That our Senators and Representatives in Congress assembled, are most earnestly requested to exert their most strenuous efforts towards the establishment of a line of military posts from the frontier to California; and that they be directed to use all possible dispatch in securing immediate action upon the same, that the desired result may be accomplished prior to the adjournment of the present Congress.

Resolved, That the popular sentiment of the day is such as to render it beyond probability, that an emigrant road will at an early day be constructed across the continent, that shall place within the reach of the working classes the means to emigrate to our State, provided the protection of the National Government is so far extended as to grant the assistance desired in these resolutions.

Resolved, That a Committee of three be appointed from the Assembly in conjunction with a Committee of the same number from the Senate, to draft an address for presentation to Congress in behalf of the request herein set forth, to accompany these resolutions, and that the Secretary of State be requested to forward the same at the earliest possible moment.

Mr. Edwards moved to refer the subject to the Committee on Federal Relations with instructions to report to-morrow.

Agreed to.

Contested seat—McCurdy *vs.* Galvin.

Mr. Amyx asked leave, in behalf of E. R. Galvin, that permission be granted to said Galvin to take a copy of the papers and depositions taken in Tuolumne County, and to be read in the investigation of the above entitled cause.

F. AMYX,
For Defendant.

Agreed to.

At the request of Mr. Amyx, of Tuolumne, the statement of the Speaker relating to the papers in the case of McCurdy *vs.* Galvin, were entered upon the Journal as follows:

“That the papers in question were laid upon the Speaker's desk on the first or second day after his election.”

Mr. Knox gave notice that he would, at an early day, introduce a bill for an Act to define the rights of miners and ranchmen respectively, in the mineral lands of this State.

Mr. Edwards moved the reconsideration of the vote in regard to Chaplains, the resolution being lost on yesterday.

The resolution is as follows:

Resolved, That the resident clergy of Sacramento be invited to officiate alternately as Chaplains in this House; *provided*, that they receive no compensation for the same.

Mr. Taylor moved to strike out the portion relating to compensation.
Motion lost.

Mr. Kinney moved the indefinite postponement of the whole subject.
Messrs. Kinney, Hosmer and Taliaferro demanded the ayes and noes.

AYES.

Messrs. Andrews, Amyx, Ashley, Baker, Beatty, Bogardus, Buffum, Chase, Clayton, Coombs, Covarrubias, Doughty, Foster, Ferguson, Gaver, Geller, Gragg, Johnson of El Dorado, Jones, Kinney, Moreland, Palmer, Stevenson, Singey, Smith of Marin, Stewart, Taliaferro and Watkins—28.

NOES.

Messrs. Arrington, Adkison, Bates, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Cammet, Cunningham of El Dorado, Cunningham of

Sierra, Dana, Douglas, Edwards, Farley, Farwell, Ferrell, Flournoy, Galvin, Gaylord, Gober, Graves, Hosmer, Hunt, Keys, Knox, Lincoln, McCutchan, McConnell, Mellus, Meredith, Murdock, Oxley, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevens, Sherrard, Smith of El Dorado, Taylor, Updegraff, Vineyard, Waite, Wells, Whitney and Mr. Speaker—48.

The motion was lost.

Mr. Stevenson moved to lay the subject on the table.

Motion lost.

The resolution was then adopted.

Mr. Flournoy gave notice that he would move to amend the Standing Rules of the House.

Mr. Douglas presented the following resolution:

Resolved. That the Sergeant-at-Arms be directed to furnish each member of this House with a copy of the California Farmer, a weekly agricultural paper published in San Francisco.

Mr. Kinney moved to add to the resolution, "and Miner's Advocate."

Mr. Arrington moved the indefinite postponement of the matter.

Agreed to.

On motion, Mr. Whitney was added to the Committee on Ways and Means.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,)
Sacramento, Jan. 10, 1855. }

To the Senate and Assembly of California :

I have the honor herewith to transmit a copy of the Annual Report of the Board of State Land Commissioners

The suggestions therein contained are highly important, and deemed worthy of early and favorable consideration.

JOHN BIGLER,

On motion of Mr. Ryland the report was referred to the Committee on Escheated Estates.

Mr. Arrington presented the following resolution:

Resolved, If the Senate concur, that the Secretary of State be instructed to procure a copy of Colton's map of the United States and map of the world, for each office connected with the State Department.

The resolution was lost.

Mr. Smith, of Maria, offered the following:

Whereas, It is the practice of the Assessors of some of the Counties of this State to excuse from taxation all money loaned on mortgage of real estate, thereby subjecting the person who improves said estate to the payment of both interest on money loaned, and the taxes truly due from the lender.

Resolved, That the Committee on Judiciary be instructed to inquire into the Revenue Act on this subject, and report a bill declaratory of the law.

On motion of Mr. Kinney, Mr. Stevenson was added to the Committee on Claims.

Mr. Farley moved to add Mr. Murdock to the Committee on Public Lands.

Agreed to.

Mr. Quinn moved that Mr. Watkins be added to the Committee on Elections.

Agreed to.

The following message from the Senate was received:

January 10, 1855.

Mr. Speaker :

I am directed by the Senate to inform the Assembly that the Senate have this day passed a concurrent resolution from the Assembly, directing the appointment of a Committee of three from each House, to examine proposals for translating the laws into Spanish, and that the Senate have appointed Messrs. May, Day and McGarry as such Committee on the part of the Senate.

Also, that they have concurred in the Assembly resolution granting to Alonzo C. Monson, District Judge of the Sixth Judicial District, leave of absence from this State for four months from the time of his departure.

Also, that they have this day passed Senate concurrent resolution granting leave of absence to the Hon. Elisha M. McKinstry.

WM. A. CORNWALL,
Secretary of Senate.

The following Senate concurrent resolution was received :

Resolved, (by the Senate, the Assembly concurring,) That leave of absence be granted to the Hon. Elisha W. McKinstry, District Judge of the Seventh Judicial District, to absent himself from the State for the period of five months, during the present year.

Mr. Ashley moved to strike out five and insert eleven.

Motion lost.

Messrs. Ashley, Buffum and Kinney demanded the ayes and noes upon the resolution:

AYES.

Messrs. Andrews, Amyx, Adkison, Baker, Bates, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Cammet, Chase, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Galvin, Geller, Graves, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones, McConnell, Mellus, Meredith, Rodgers, Rowe, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Watkins, Whitney and Mr. Speaker—49.

NOES.

Messrs. Arrington, Ashley, Beatty, Bogardus, Buffum, Clayton, Gaver, Gaylord, Gober, Hunt, Keys, Kinney, Knox, Lincoln, McCutchan, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Ryland, Waite and Wells—24.

Mr. Meredith offered the following :

Resolved, That a Committee of three be appointed by the Speaker to present the resident clergy of Sacramento with a copy of the resolution requesting them to officiate as Chaplains of the Assembly.

Adopted.

Messrs. Meredith, Buffum and Gober were appointed the Committee.

Mr. Arrington moved to add Mr. Farwell to the Committee on Elections.

Motion lost.

Mr. Cunningham of El Dorado moved that Mr. Cunningham of Sierra be added to the Committee on Roads and Highways.

Agreed to.

A communication was received from Elder M. D. Merrick, tendering his services to the Assembly in connection with the Chaplains.

On motion of Mr. Buffum, Mr. Merrick's tender of religious services was accepted.

On motion of Mr. Taliaferro the House adjourned at one o'clock P. M.

IN ASSEMBLY.

THURSDAY, January 11, 1855.

House met pursuant to adjournment.

Roll called.

The following members were absent ;

Messrs. Bates, Cammet, Flournoy, Gaver and Rowe.

Journal read and approved.

Assembly bill No. 4, An Act concerning the Per Diem of Officers of the Senate and Assembly, was read a second time and referred to the Committee of Ways and Means.

Assembly bill No. 1, An Act to Regulate Fees of Office, was read a second time and laid on the table.

Mr. Ryland introduced a bill for an Act to exempt the Homestead and other property from forced sale.

Read first time and 240 copies ordered printed.

Mr. Buffum introduced a bill for an Act to define more clearly the Powers of the Governor in the Commutation of Sentences of Persons convicted of Capital Offences and Sentenced to Death.

Read first time.

Mr. Ryland introduced a bill for an Act to fix the Time of holding County Court, Probate Court, and Courts of Session, in the County of Santa Clara.

Read first time.

Mr. Graves introduced a bill for an Act to repeal an Act concerning County Judges, passed April 4th, 1854, so far as the same extends to San Luis Obispo County.

Read first time.

Mr. Bates introduced a bill for an Act to create a Board of Supervisors for the County of Shasta, and to define their Duties and Powers.

Read first time

Mr. Johnston, of San Francisco, introduced a bill for an Act to re-incorporate the City of San Francisco.

Read first time.

Also, a bill for an Act supplementary to An Act to provide for the Permanent Location of the Seat of Government of the State of California.

Read first time and 240 copies ordered printed.

Mr. Ashley introduced a bill for an Act to amend An Act concerning Crimes and Punishments, passed April 16, 1850.

Read first time and 240 copies ordered printed.

Mr. Stevenson gave notice that he would, at an early day, introduce a bill prescribing the Manner of taking the Census in the various Counties of this State.

Mr. Buffum gave notice that he would, at an early day, introduce a bill requiring the Performance of Labor by County and City Prisoners.

Mr. Rowe gave notice that he would introduce a bill for an Act to provide for the Creating of a Board of Supervisors for the County of Trinity.

Mr. Coombs gave notice that he would, at an early day, introduce a bill to Improve the Navigation of Napa River.

Also, a bill to Open and Improve a Public Road from Napa Valley to Clear Lake.

Mr. Hunt gave notice that he would, at an early day, introduce a bill to Construct a Military Road, to connect with the Government Military Road, at the Eastern Boundary of this State.

Mr. Brown, of Nevada, gave notice that he would, at an early day, introduce a bill amendatory of the 15th Section of An Act concerning an Act to Regulate Elections, passed March 23d, 1850.

Mr. Bates gave notice that he would, at an early day, introduce a bill asking an Appropriation for the Improvement of the Emigrant Road called "Noble's Pass," between Shasta and Honey Lake Valley.

Mr. Johnston, of San Francisco, gave notice that on to-morrow he would introduce a resolution for the temporary suspension of the Standing Rule whereby this House, when adjourned, stands adjourned until ten o'clock the next day.

Mr. Stewart gave notice that he would, at an early day, introduce a bill to Improve the Navigation of the Petaluma River.

Mr. Ryland gave notice that he would move, on to-morrow, to amend the Standing Rules of the House by adding a Committee on Internal Improvement to the Standing Committees.

Mr. Baker gave notice that he would, at an early day, introduce an amendment to the Standing Rules for the government of this House, so as to allow any member or members to protest against the action of the House, and have such protest entered upon the Journal.

Mr. Jones gave notice that he would, at an early day, introduce a bill for an Act to Reduce the Salaries of Officers and the Pay of Members of the Legislature.

Mr. Phelps gave notice that on to-morrow he would introduce a bill authorizing the several Courts of Record of this State to admit George Archibald Montgomery,

formerly of the Province of Canada, to practice as a Counselor or Solicitor and Attorney at Law.

Mr. McCutchan gave notice that he would, at an early day, introduce a bill more adequately providing for the Erection of Suitable Buildings for Common School Purposes.

Also, a bill providing for Public Libraries in this State.

Also, a bill concerning Trial Juries in this State.

Mr. Farwell gave notice that he would, at an early day, introduce a bill for an Act for the better Preservation of Health and Order in the Cities and Towns of the State, and the Establishment of better Police Regulations among the Chinese Residents of the same.

Mr. Oxley made the following report :

The Committee on Federal Relations, to whom was referred joint resolutions in relation to establishing a line of military posts, and opening a military road from some point on the waters of the Mississippi to the frontier of California, would most respectfully ask for further time to report.

THOMAS J. OXLEY,
Chairman.

Further time was granted.

Mr. Farwell made the following report :

The Committee on Public Printing, to whom were referred the documents accompanying the Governor's message, have had the same under consideration, and would respectfully submit the following report :

The papers referred to are as follows :

The State Controller's report.

The State Treasurer's report.

The Surveyor General's report.

Correspondence relative to the War Debt.

Correspondence relative to the Custom House Block.

Correspondence relative to the Leidesdorff Estate.

List of Pardons

Vacancies in office filled during the year.

The Committee would recommend that the whole of the above be printed together, in one pamphlet, to the number of one thousand copies, for the use of the Assembly.

In addition to the above, the Committee find—

Resolutions of the Rhode Island Legislature, and a document in relation to the Southern Railroad, neither of which, in their estimation, are of sufficient importance to be printed.

WM. B. FARWELL,
Chairman.

Report adopted.

On motion, Mr. Ferguson was added to the Committee on Mines and Mining Interests.

Mr. Ferrell moved to print 240 copies of the report of the Land Commissioners.

Agreed to.

Mr. Farwell presented the following resolution :

Resolved, That one thousand copies of the following documents, referred to in the Governor's message, be printed for the use of this House, to wit :

The State Controller's report.
 The State Treasurer's Report.
 The Surveyor General's report.
 The correspondence relative to the War Debt.
 The correspondence relative to the Custom House Block.
 The correspondence relative to the Leidesdorff Estate.
 The list of Pardons.
 The vacancies in office filled during the year.

Mr. Buffum moved to amend by adding "to be printed in one pamphlet."

Amendment agreed to and resolution adopted.

On motion of Mr. Johnston, of San Francisco, the Governor's message was made the special order, in Committee of the Whole, for to-morrow, at 12 o'clock, M.

On motion of Mr. Watkins, the resolution concerning maps, &c., was taken from the table, and adopted as follows:

Resolved, That a Committee of three be appointed to consider, determine and report the number and kind of maps necessary to be procured, and placed in suitable positions in this Hall, for the use and convenience of the members of the Assembly.

The Speaker appointed Messrs. Watkins, Edwards and Taliaferro as the Committee.

On motion of Mr. Baker, the report of the Land Commissioners was taken from the Committee on Escheated Estates and referred to the Committee on Public Lands.

At 12 o'clock, M., on motion of Mr. Stevenson, the House resolved itself into Committee of the Whole, Mr. Stevenson in the chair, to take into consideration the special order, Assembly bill No. 2, An Act to divide the State into Congressional Districts.

After the bill was considered, the Committee rose and reported progress, and asked leave to sit again, which was granted, and 240 copies of the bill were ordered printed.

On motion of Mr. Buffum, the House resolved itself into Committee of the Whole, Mr. Buffum in the chair, to consider Assembly bill No. 3.

Committee rose, reported, recommended the passage of the bill, and asked to be discharged.

Granted.

The bill being before the House, Mr. Ashley moved to strike out "one thousand" and insert "five hundred."

Mr. Oxley moved to amend by inserting "seven hundred and fifty."

Motion lost.

Question recurring upon Mr. Ashley's motion, it was lost.

The bill was then read a third time, and, on its final passage, Messrs. Ashley, Ryland and Graves demanded the ayes and noes.

AYES.

Messrs. Andrews, Amyx, Adkison, Baker, Bates, Beatty, Bogardus Boles, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Chase, Clayton, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Foster, Ferguson, Galvin, Gaver, Gaylord, Geller, Gober, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Keyes, Kinney, Knox, Lincoln, McCutchan, Mellus, Meredith, Moreland, Mur-

dock, Oxley, Palmer, Quinn, Rodgers, Rowe, Stevens, Sherrard, Singley, Smith of El Dorado, Stewart, Taylor, Waite, Whitney, Mr. Speaker—61.

NOES.

Messrs. Arrington, Ashley, Graves, Hunt, Jones, McConnell, Phelps, Ryland, Smith of Marin, Taliaferro, Updegraff, Watkins, Wells—13.

So the bill passed.

Mr. Arrington presented a bill for an Act to provide for the Permanent Location of the Seat of Government of the State of California at the City of Sacramento.

Bill read first time.

Mr. Rowe presented a bill for an Act to authorize the County Judge of Trinity County to fill Vacancies.

Bill read first time.

On motion of Mr. Arrington, at a quarter before one o'clock, P. M., the House adjourned.

IN ASSEMBLY.

FRIDAY, January 12, 1855.

House met pursuant to adjournment.

Roll called and the following members were absent:

Messrs. Brown of Nevada, Burke, Covarrubias, Cunningham of Sierra, Farley, Flournoy, Geller, Johnston of San Francisco, Stewart and Taliaferro.

The Journal was read and adopted.

Mr. Dannals was qualified as Enrolling Clerk.

Mr. Kelley was qualified as Engrossing Clerk.

Assembly bill No. 7, An Act supplementary to an Act to provide for the permanent location of the Seat of Government of the State of California, was read second time and referred to the Committee on Public Buildings and Grounds.

Assembly bill No. 9, An Act to repeal an Act concerning County Judges, passed April fourth, 1854, so far as the same extends to San Luis Obispo County, read second time and referred to the Judiciary Committee.

Assembly bill No. 10, An Act to define more clearly the power of the Governor in the commutation of sentences of persons convicted of capital offenses and sentenced to death, read second time and referred to Judiciary Committee.

Assembly bill No. 11, An Act to fix the times of holding the County Courts, Probate Court and Courts of Session in the County of Santa Clara, read second time and referred to the Judiciary Committee.

Assembly bill No. 6, An Act to re-incorporate the city of San Francisco, read second time and referred to the San Francisco Delegation.

Assembly bill No. 5, An Act to exempt the Homestead and other property from forced sale, was read and referred to the Judiciary Committee.

Assembly bill No. 14, An Act to provide for the permanent location of the Seat of Government of the State of California at the City of Sacramento, read second time and referred to the Committee on Public Buildings and Grounds.

Assembly bill No. 13, An Act to authorize the County Judge of Trinity County to fill vacancies, read second time and referred to the Judiciary Committee.

Assembly bill No. 12, An Act to create a Board of Supervisors for the County of Shasta, and to define their duties and powers, read second time and referred to the Judiciary Committee.

Mr. Ryland introduced a bill for an Act concerning the salaries of officers and pay of members of the Legislature.

Read first time and ordered printed.

Mr. Farwell introduced a bill for an Act to amend an Act concerning crimes and punishments, passed April 16, 1850.

Read a first time and ordered to be printed.

Mr. Gover introduced a bill for an Act to prohibit the carrying concealed weapons.

Mr. Taylor introduced a bill to amend an Act entitled an Act defining the time for commencing civil actions, passed April 22, 1850.

Read first time and ordered printed.

Mr. Johnston, of San Francisco, introduced a bill for an Act to amend an Act entitled an Act prescribing the manner of electing United States Senators.

Read first time and ordered printed.

Mr. Ryland introduced a bill for an Act concerning Estrays.

Read first time.

Mr. Bates introduced a bill for an Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Shasta.

Read first time.

Mr. Farwell introduced a bill for an Act to provide for the Registry of names of legally qualified voters in the incorporated cities of the State, prior to being permitted to vote at any general election.

Read first time and ordered printed.

Mr. Phelps introduced a bill for an Act authorizing the several Courts of Record of this State to admit George Archibald Montgomery to practice as a Counsellor, Solicitor and Attorney-at-Law.

Mr. Ashley introduced a bill for an Act to establish, regulate and support Common Schools, and to repeal former Acts concerning the same.

Read first time and ordered printed.

Mr. Taylor gave notice that, at an early day, he would introduce a bill for an Act concerning chattel Mortgages and amendatory of an Act concerning fraudulent conveyances.

Mr. Graves gave notice that, at an early day, he would introduce a bill prescribing the times of holding the terms of the District Court in the Second Judicial District.

Mr. Murdock gave notice that he would introduce a bill granting the title of lands covered with water, to the owners of mills, wharfs and booms, on Humboldt Bay.

Mr. McCutchan gave notice that he would introduce a bill amending so much of an Act entitled an Act concerning Courts of Justice in this State and Judicial Officers, passed May 9, 1853, as refers to judicial officers absenting themselves from this State.

Mr. Edwards gave notice that, on to-morrow or as soon thereafter as he could

be heard, he would introduce a bill to be entitled an Act to provide for the payment of the salary of the County Judge of Sacramento County.

Mr. Cammet gave notice that, at an early day, he would introduce a bill in reference to Apprentices

Mr. Johnston, of San Francisco, gave notice that he would introduce, at an early day, a bill for an Act to legalize certain proceedings heretofore had in the Courts of Sessions in this State.

Mr. Updegraff gave notice that, at an early day, he would introduce a bill for an Act in relation to township Public Schools and the support thereof.

Mr. Keys made a report in relation to mileage of members.

Report read and recommitted.

Mr. Oxley, from the Committee on Federal Relations, made a report in relation to a military road and military posts from the Mississippi River to California, submitting a substitute as a concurrent resolution, and recommended its immediate passage.

Adopted.

Mr. Moreland, from the Committee on Engrossment, reported that

An Act requiring the Controller to audit certain bills of the members and officers of the present Legislature had been correctly engrossed.

Mr. Watkins reported that

The Select Committee to whom was referred the resolution respecting the procuring of maps for this House, have had the same under consideration and recommend the adoption of the subjoined substitute :

Resolved, That the Secretary of State be instructed to procure the following maps for the use of this Assembly, to-wit :

Two of Colton's maps of the United States.

Two of Colton's maps of the World.

One map of the City of San Francisco.

Two of Milleson's maps of the Mining Regions of this State.

And that he cause the same to be placed in suitable positions in this Hall.

Adopted.

Mr. Flournoy made a report on the Joint Standing Rules for the government of the two bodies, as follows:

JOINT RULES OF SENATE AND ASSEMBLY.

I.

In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee to confer, such committee shall, at a convenient hour to be agreed on by their Chairman, meet in their Conference Chamber and state to each, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

II.

When a message shall be sent from either House, it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

III.

Messages shall be sent by the Secretary, Clerk, or by such persons as a sense of propriety in each House may determine to be proper.

IV.

While bills are on their passage between the two Houses, they shall be on paper and under the signature of the Secretary or Clerk of each House, respectively.

V.

After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the Assembly, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the State.

VI.

When bills are enrolled they shall be examined jointly by the Enrolling Committees of the Senate and the Assembly, appointed as Standing Committees for that purpose, who shall carefully compare the enrollment with the engrossed bill as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report, forthwith, to their respective Houses.

VII.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

VIII.

After a bill shall have thus been signed in each House, it shall be presented by the said committee to the Governor of the State, for his approval, (it being first indorsed on the back of the roll, certifying in which House the same originated, which indorsment shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same originated), and shall be entered on the Journals of each House. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the Journals of each House.

IX.

All orders, resolutions and votes which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously

enrolled, examined and signed, and shall be presented in the same manner and by the same Committee as provided in the case of bills.

X.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

XI.

When a bill or resolution which shall have passed in one House is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

XII.

When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session without a notice of five days, and leave of two thirds of that House in which it shall be renewed.

XIII.

Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

XIV.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

XV.

No bill or resolution that shall have passed the Assembly and Senate, shall be presented to the Governor for his approbation on the last day of the session.

XVI.

No appropriations of money, for any purpose whatever, shall be made except by bill.

XVII.

No spirituous liquors shall be offered for sale or exhibited within the capital, or public grounds adjacent thereto.

Report and Rules adopted.

The following message was received from the Senate:

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed yesterday an

Act to change the name of the South Yuba Mining and Sacramento Canal Company, to Nevada County and Sacramento Canal Company.

Also, that the Senate adopted a concurrent resolution in relation to the construction of light houses ; all of which is, herewith, respectfully submitted.

WM. A. CORNWALL,
Secretary of Senate.

The following Senate concurrent resolution was adopted:

Resolved, That our Senators be instructed and our Representatives requested to use their exertions to procure the passage of an Act of Congress providing for the erection of light houses at Trinidad and Crescent City in this State.

Senate bill for An Act to change the name of the South Yuba Mining and Sacramento Canal Company to Nevada County and Sacramento Canal Company.

Read first time.

Mr. Ryland moved to amend the Standing Rule concerning the number of Standing Committees, by adding thereto the Twenty-Fifth Standing Committee on Internal Improvements.

Adopted.

Mr. Flournoy submitted the following:

Resolved, That a Committee of five be appointed by the Speaker as one of the Standing Committees of the House, upon the subject of Vice and Immorality.

Adopted.

Mr. Baker offered the following amendment to the Standing Rules:

It shall be in order for any member or members to protest against the action of the House, and have such protest entered upon the Journal.

On motion, the amendment was agreed to.

Mr. Baker presented the following resolution:

Resolved, That the Standing Committee on Elections be instructed to inquire into the cause of the absence of the member elect from the County of Stanislaus, and the member from Siskiyou, and report as soon as practicable.

Adopted.

Mr. Johnston, of San Francisco, presented the following resolution:

Resolved, That the Assembly Standing Rule No. One, whereby this House when it adjourns stands adjourned until ten o'clock, A. M., of the next day, be suspended for the period of thirty days from this date ; and that this House during that time, when adjourned stand adjourned until eleven o'clock, A. M., of the next day.

Adopted.

Mr. Baker presented a joint resolution relative to establishing an additional Land District in this State.

Read first time.

Mr. Kinney introduced the following:

Resolved, That the Sergeant-at-Arms procure the immediate printing of two hundred and forty copies of the Rules of this House, with the amendments, in accordance with a previous vote of the Assembly, together with the Joint Rules this day adopted, in pamphlet form for the use of this body.

Adopted.

On motion, Mr. Rodgers was granted leave of absence for two days.

Mr. Brown, of Nevada, presented the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to procure a suitable desk for the Journal Clerk of the House.

Adopted.

At twelve o'clock, M., on motion of Mr. Johnston, of San Francisco, the House resolved itself into Committee of the Whole,

Mr. Johnston, of San Francisco, in the chair,

To consider the Governor's Message, which was made the order of the day for that hour.

The Committee rose, reported progress, and asked leave to sit again.

Leave granted.

A communication was received from Rev. Mr. Benton, declining the invitation to act as one of the Chaplains to the Assembly.

Mr. Keys made the following

REPORT FROM THE COMMITTEE ON MILEAGE.

The Committee on Mileage having that subject under consideration, report the following as the amount of mileage due each member.

NAMES.	COUNTY FROM.	NO. MILES.	MILEAGE.
Andrews,	Placer,	240	\$ 96 00
Amyx,	Tuolumne,	280	112 00
Arrington,	Klamath,	1100	440 00
Ashley,	Monterey,	520	208 00
Adkison,	Yuba,	240	96 00
Baker,	Tulare,	540	216 00
Bates,	Shasta,	450	180 00
Beatty,	Calaveras,	150	60 00
Bogardus,	El Dorado,	170	68 00
Boles,	El Dorado,	125	50 00
Brewton,	Sacramento,	—	—
Brown,	Contra Costa,	220	88 00
Brown,	Nevada,	205	82 00
Buffam,	San Francisco,	280	112 00
Burke,	Mariposa,	310	124 00
Cammet,	San Francisco,	280	112 00
Cory,	Placer,	160	64 00
Chase,	Yuba,	240	96 00
Clayton,	Yuba,	200	80 00
Coombs,	Napa,	275	110 00

NAMES.	COUNTY FROM.	NO. MILES.	MILEAGE.
Cook,.....	Stanislaus,.....	180	72 00
Covarrubias,.....	Santa Barbara,.....	1180	472 00
Cunningham,.....	El Dorado,.....	100	40 00
Cunningham,.....	Sierra,.....	365	146 00
Curtis,.....	Siskiyou,.....	600	240 00
Dana,.....	San Francisco,.....	280	112 00
Douglas,.....	San Joaquin,.....	150	60 00
Doughty,.....	Solano,.....	250	100 00
Edwards,.....	Sacramento,.....	—	—
Farley,.....	Amador,.....	145	58 00
Farwell,.....	San Francisco,.....	280	112 00
Ferrell,.....	San Diego,.....	1580	632 00
Flournoy,.....	Mariposa,.....	310	124 00
Foster,.....	El Dorado,.....	100	40 00
Ferguson,.....	Sierra,.....	248	99 00
Galvin,.....	Tuolumne,.....	250	100 00
Gaver,.....	Yuba,.....	170	68 00
Gaylord,.....	Nevada,.....	140	56 00
Geller,.....	Yuba,.....	240	96 00
Gober,.....	Santa Clara,.....	440	176 00
Graves,.....	San Luis Obispo,.....	1010	404 00
Gragg,.....	Placer,.....	60	24 00
Hosmer,.....	San Francisco,.....	280	112 00
Hunt,.....	San Bernardino,.....	1138	552 00
Johnson,.....	El Dorado,.....	100	44 00
Johnston,.....	San Francisco,.....	280	112 00
Jones,.....	Los Angeles,.....	1320	528 00
Keys,.....	San Joaquin,.....	110	44 00
Kinney,.....	Plumas,.....	350	140 00
Knox,.....	Nevada,.....	140	56 00
Lincoln,.....	Butte,.....	200	80 00
McCutchan,.....	Colusi,.....	280	112 00
McConnell,.....	El Dorado,.....	100	40 00
Mellus,.....	Los Angeles,.....	1320	528 00
Meredith,.....	Sacramento,.....	50	20 00
Moreland,.....	Placer,.....	160	64 00
Murdock,.....	Humboldt,.....	820	328 00
Oxley,.....	Tuolumne,.....	250	100 00
Palmer,.....	Nevada,.....	140	56 00
Quinn,.....	Tuolumne,.....	265	106 00
Rodgers,.....	San Francisco,.....	280	112 00
Rowe,.....	Trinity,.....	700	280 00
Ryland,.....	Santa Clara,.....	380	152 00
Stevens,.....	Calaveras,.....	220	88 00
Stevenson,.....	El Dorado,.....	100	40 00
Sherrard,.....	Sutter,.....	60	24 00
Singley,.....	Sonoma,.....	400	160 00
Smith,.....	El Dorado,.....	100	40 00
Smith,.....	Marin,.....	460	184 00
Stow,.....	Santa Cruz,.....	520	208 00
Stewart,.....	Sonoma,.....	450	180 00
Taliaferro,.....	Calaveras,.....	175	70 00

NAMES.	COUNTY FROM.	NO. MILES.	MILEAGE.
Taylor,	San Francisco,	280	112 00
Updegraff,	Yolo,	80	32 00
Vineyard,	Sacramento,	—	—
Watkins,	Alameda,	350	140 00
Waite,	Nevada,	140	56 00
Wells,	Butte,	190	76 00
Whitney,	San Francisco,	280	112 00

T. J. KEYS,
Chairman.

The report was adopted.

On motion of Mr. Douglas, at 12, M., the House adjourned.

IN ASSEMBLY.

SATURDAY, January 13, 1855.

House met pursuant to adjournment.

Roll called and the following members were absent:

Messrs. Cammet, Coombs, Johnson of El Dorado, Johnston of San Francisco and Vineyard.

The Journal was read, amended and adopted.

Leave of absence was granted to Messrs. Cammet and Coombs for two days each.

Mr. Doughty presented a communication from Messrs. Chipman and Augh-inbaugh, protesting against granting certain land in Alameda County, petitioned for by James F. Hibberd.

Referred to the Committee on Public Lands.

Mr. Douglas presented a petition asking the passage of a law preventing Stallions from running at large.

Read and referred to Committee on Agriculture.

Also, a petition asking the passage of a law to prevent Hogs from running at large.

Read and referred to Committee on Agriculture.

Mr. Bates presented a petition asking the passage of a law fixing the Salary of the District Attorney of Shasta County.

Read and referred to the Judiciary Committee.

Mr. Edwards presented a petition from the authorities of Sacramento City asking to be re-imburshed the sums of money expended during the years 1849, 1850 and 1851, for the relief of the sick and destitute.

Read and referred to the Committee on Claims.

Joint Resolution No. 1, relative to the establishment of an additional Land District in this State.

Read second time and referred to the Committee on Federal Relations.

Senate bill No. 1, An Act to change the name of the South Yuba Mining and Sacramento Canal Company, to Nevada County and Sacramento Canal Company.

Read second and third time and passed.

Assembly bill No. 20, An Act to prohibit the carrying Concealed Weapons.

Read second time and referred to Committee on Vice and Immorality.

Assembly bill No. 21, An Act authorizing the several Courts of Record of this State to admit George Archabald Montgomery to practice as a Counsellor, Solicitor and Attorney-at-Law.

Read second time and referred to Judiciary Committee.

Assembly bill No. 22, An Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Shasta.

Read second time and referred to the Judiciary Committee.

Assembly bill No. 23, An Act concerning Estrays.

Read second time and referred to Committee on Agriculture, and ordered printed.

On motion of Mr. Ryland, Assembly bill No. 1, An Act to regulate Fees in Office, was taken from the table and referred to the Judiciary Committee.

Mr. Arrington introduced a bill for an Act proposing to the Seventh Legislature an amendment to the Constitution of the State of California.

Read first time.

Mr. Edwards introduced a bill for an Act to provide for the payment of the Salary of the County Judge of Sacramento County.

Read first time.

Mr. Rowe, introduced a bill for an Act to create a Board of Supervisors in and for the several Counties of this State, and to define their Duties and Powers.

Read first time and ordered printed.

Mr. Brown, of Contra Costa, gave notice that, at an early day, he would introduce a bill fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Contra Costa.

Mr. McConnell gave notice that, at an early day, he would introduce a bill to change the name of Frances Sophia Bowen to that of Frances Sophia Burgess, and that of her infant son, Charles French Bowen, to Charles French Burgess.

Mr. Brown, of Nevada, introduced a notice for a bill amendatory of an Act entitled an Act to exempt the Homestead and other Property from forced sale in certain cases, passed April 21, 1851.

Mr. Bates gave notice of a bill rendering Sheriffs ineligible for two terms in succession.

Mr. Edwards, from the Judiciary Committee, made the following report:

Mr. Speaker:

The Committee on the Judiciary to whom was referred a bill for an Act to authorize and require the County Judge of Trinity County to appoint a person to fill the present Vacancy in the Office of County Treasurer, and Vacancies in other Offices, have had the same under consideration, and have instructed me to report the accompanying substitute, entitled a bill for an Act to authorize and require the County Judge of Trinity County to fill the present Vacancy in

the Office of County Treasurer, and Vacancies in other Offices in said County, and to recommend its passage.

All of which is respectfully submitted,

P. L. EDWARDS,
Chairman.

Substitute for Assembly bill No. 13, on its third reading as above reported was adopted, considered as engrossed, read a third time and passed.

Mr. Meredith made the following report:

Mr. Speaker:

The Select Committee appointed to inform the resident Clergymen of this City of the adoption of the resolution of this Assembly requesting them to officiate alternately as Chaplains of this House, have performed that duty and ask to be discharged.

Respectfully,

H. B. MEREDITH,
Chairman.

On motion, the Committee were discharged.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate yesterday appointed Messrs. Colby, McFarland and Hall as a Joint Committee on the part of the Senate to act with the Committee appointed by the Assembly to inquire into the condition of the War Debt of this State.

Also, that the Senate yesterday passed Senate bill No. 4, entitled an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative Expenses of this State accruing from the first day of February, A. D., 1854, to the first day of February, A. D., 1855.

WM. A. CORNWALL.
Secretary of Senate.

Senate bill No. 4, An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative Expenses of this State accruing from the first day of February, A. D., 1854, to the first day of February, A. D., 1855.

Read first time.

A communication of the Secretary of State was received, relative to certain contracts for furnishing the Legislature with stationery, fuel and lights.

Mr. Stevenson presented the following resolution:

Resolved, That the Sergeant-at-Arms of the Assembly be authorized and em-

powered to receive and receipt to the Controller of State for the mileage and per diem warrants of members.

Adopted.

Mr. Johnson, of El Dorado, offered the following resolution:

Resolved, That a Committee of five be appointed to examine into the official affairs of the Controller and State Treasurer.

Adopted.

The Speaker appointed Messrs. Johnson of El Dorado, Waite, Kinney, Ashley and Geller the Committee.

Mr. Taliaferro presented the following:

Resolved, That the Secretary of State be authorized and instructed to purchase for the use of the Assembly one copy of Monk's new map of the United States, and to place the same in some proper place in the Hall.

Adopted.

Mr. Cunningham, of Sierra, offered the following:

Resolved, That the Sergeant-at-Arms be required to furnish suitable bill holders for the use of the Assembly.

Adopted.

Mr. Ferrell introduced a joint resolution relative to the Monuments of Titles delivered to the Board of United States Land Commissioners.

Read first time.

On motion, Mr. Dana was added to the Committee on Commerce.

On motion, Mr. Brown, of Nevada, was added to the Committee on Mines and Mining Interests.

On motion, Mr. Smith, of Marin, was added to the Committee on State Prison.

Mr. Edwards offered the following resolution:

Resolved, That the Secretary of State be requested to furnish to the Committee on Claims all papers in his office relating to claims of Sacramento City against the State.

Adopted.

Mr. Stevenson presented the following resolution:

Resolved, That the Committee on State Hospitals be instructed to inquire into the expediency of passing a law to abolish the State Marine Hospital and appropriate the Hospital Fund in a *pro rata* proportion to each County, for the maintenance of its indigent sick.

Adopted.

Mr. Flournoy gave notice of a bill to separate the Office of County Recorder from that of County Clerk in the County of Mariposa.

Mr. Douglas gave notice of a bill for the building of a State Armory.

Mr. Wells gave notice of a bill for an Act fixing the times of holding the County Court, the Courts of Session and the Probate Court in and for Butte County.

Also, a bill for an Act to authorize J. R. N. Owen of Butte County to demand and collect Tolls upon what is known as "Owen's Turnpike" in said County.

At 12½ o'clock, P. M., on motion of Mr. Stevenson, the House adjourned.

IN ASSEMBLY.

MONDAY, January 15, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Mr. Wheeler.

The roll was called by the Clerk, and the following members were absent:

Messrs. Ashley, Brown of Contra Costa, Brown of Nevada, Chase, Flournoy, Jones, Kinney, Knox, Mellus, Taylor and Updegraff.

Leave of absence was granted to Mr. Taylor for one day.

Mr. Curtis was qualified.

Journal read, amended and adopted.

Mr. Watkins presented a petition asking for an appropriation for Docket, Books, etc., for a Justice of the Peace in Alameda County.

Mr. Palmer presented a petition from Commissioners of Amador and Calaveras Counties concerning their joint indebtedness.

Read and referred to the Delegations from Amador and Calaveras.

Assembly joint resolutions No. 2, relative to muniments of title delivered to the Board of United States Land Commissioners, read second time and referred to the Committee on Public Lands with instructions to report as early as possible.

Senate bill No. 4, An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative Expenses of this State, accruing from the first day of February, A. D., 1854, to the first day of February, A. D., 1855.

Read second time and referred to Committee of Ways and Means.

Assembly bill No. 17, An Act to amend an Act entitled an Act prescribing the manner of electing United States Senator.

Read second time and referred to the Judiciary Committee.

Assembly bill No. 8, An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1854.

Read second time and referred to Judiciary Committee.

Assembly bill No. 19, An Act concerning the Salaries of Officers and Pay of Members of the Legislature.

Read second time and referred to Committee on Expenditures and Accounts.

Assembly bill No. 16, An Act to provide for the Survey and Construction of a Wagon Road from the Sacramento Valley to the Eastern Boundary Line of the State.

Read second time and referred to the Committee on Internal Improvements.

Assembly bill No. 27, An Act to provide for the payment of the Salary of the County Judge of Sacramento County.

Read second time and referred to the Sacramento Delegation.

Assembly bill No. 28, An Act proposing to the Seventh Legislature an amendment to the Constitution of the State of California.

Read second time and referred to the Judiciary Committee, and ordered printed.

Assembly bill No. 15, An Act to amend an Act entitled an Act defining the time of commencing Civil Actions, passed April 23, 1850.

Read second time and referred to the Judiciary Committee.

Mr. Gober presented a bill for an Act concerning Lawful Fences and Trespassing of Animals on Private Property.

Read first time.

Mr. Wells presented a bill for an Act fixing the times of holding the Terms of the County Courts, Courts of Session and Probate Court in and for Butte County.

Read first time.

Also, a bill for an Act to authorize J. R. N. Owen, of Butte County, to demand and collect Tolls on what is known as Owen's Turnpike in said County.

Read first time.

Mr. Johnston, of San Francisco, presented a bill for an Act to authorize the Funding of the Floating Debt of the City of San Francisco.

Read first time.

Mr. Brown, of Contra Costa, presented a bill for an Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Contra Costa.

Read first time.

Mr. Watkins presented a bill for an Act to improve the Navigation of Alameda River.

Read first time.

Mr. McCutchan introduced a bill for an Act to amend an Act concerning Courts of Justice in this State and Judicial Officers.

Read first time.

Mr. Brown, of Nevada, gave notice of a bill for the better protection of Quartz Miners and Quartz Interests.

Mr. Updegraff gave notice of a bill to fix the time of holding the different Courts authorized to be held by the County Judge of the County of Yolo.

Mr. Ryland gave notice of a bill for an Act to amend Title XIV. of an Act to regulate proceedings in Civil Cases in Courts of Justice of this State in reference to Bills of Cost.

Mr. Douglas gave notice of a bill or bills for the payment of Warrants or other evidences of State, County or City Indebtedness, according to the date of their issue.

Mr. Singler gave notice of a bill for an Act concerning County Assessors.

Mr. Palmer gave notice of a bill for an Act prohibiting Gift Enterprises and other Lottery Schemes.

Also, of a bill for an Act concerning Vagrants and Suspicious Persons.

Mr. Stewart gave notice of a bill for an Act concerning the Board of Supervisors of Sonoma County.

Mr. Wells presented the following:

Resolved, That the Sergeant-at-Arms be authorized to procure and have placed over the Capitol, at the expense of the State, a Flag of our Nation.

Adopted.

Assembly bill No. 24, An Act to provide for the Registry of Names of legally qualified Voters in the Incorporated Cities of the State prior to being permitted to vote at any General Election.

Read second time and referred to the Committee on Elections.

Assembly bill No. 25, An Act to create a Board of Supervisors in and for the several Counties of this State, and to define their duties and powers.

Read second time and referred to Judiciary Committee.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, Jan. 15, 1854. }

To the Hon. the Senate and Assembly of California:

I have the honor herewith to transmit a copy of the Annual Report of the Superintendent of Public Instruction.

The suggestions and recommendations therein contained are regarded as important, and, it is presumed, will materially aid you in legislating for the cause of Education.

JOHN BIGLER.

The report of the Superintendent of Public Instruction with accompanying documents were ordered printed.

The Speaker appointed the following Committees:

On Internal Improvements.—Messrs. Ryland, Watkins, Murdock, Meredith, Dana, Wells, Johnson of El Dorado, Curtis and Clayton.

On Vice and Immorality.—Messrs. Flournoy, Taylor, Vineyard, Phelps and Gober.

Mr. Hosmer presented the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to furnish each Reporter in attendance upon this House with two copies of each bill or other public document ordered printed.

On motion, the House resolved itself into Committee of the Whole on the Governor's Message.

Mr. Kinney in the chair.

The Message was considered; the Committee rose, reported progress and asked leave to sit again.

Leave was granted.

The following message was received from the Senate:

Mr. Speaker :

I am directed by the Senate to inform the Assembly that the Senate on Saturday concurred in Assembly resolution relative to the establishment of a Military Road and Posts between the frontier of the Atlantic States and California.

Also, that the Senate passed Assembly bill No. 3, entitled an Act requiring the Controller to Audit certain Bills of the Members and Officers of the present Legislature.

Respectfully,

W. A. CORNWALL,
Secretary of Senate.

Mr. Moreland made the following report:

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed, An Act to authorize and require the County Judge of Trinity County to fill the present vacancy in the office of County Treasurer, and vacancies in other offices in said County.

THOMAS MORELAND,
Chairman.

At one o'clock, P. M., on motion of Mr. Stevenson, the House adjourned.

IN ASSEMBLY.

TUESDAY, January 16, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Mr. Wheeler.

Roll called and the following members were absent:

Messrs. Brown of Nevada, Chase, Farley, Johnson of El Dorado, Johnston of San Francisco.

The Journal was read, amended and adopted.

Assembly bill No. 29, An Act to amend an Act concerning Courts of Justice in this State and Judicial Officers, passed May 9th, 1853.

Read first time.

Assembly bill No. 30, An Act to improve the Navigation of Amador River. Read second time and referred to Committee on Internal Improvements.

Assembly bill No. 31, An Act to authorize the Funding of the Floating Debt of the City of San Francisco.

Read second time and referred to San Francisco Delegation.

Assembly bill No. 32, An Act to authorize J. R. N. Owen, of Butte County, to demand and collect Tolls on what is known as "Owen's Turnpike" in said County.

Read second time and referred to the Judiciary Committee.

Assembly bill No. 33, An Act concerning Lawful Fences and Trespassing of Animals on Private Property.

Read second time and referred to Committee on Agriculture.

Assembly bill No. 34, An Act fixing the time of holding the Terms of the County Courts, Courts of Session and Probate Courts in and for Butte County.

Read second time and referred to Judiciary Committee.

Assembly bill No. 35, An Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Contra Costa.

Read second time and referred to Judiciary Committee.

Mr. Waite, on leave, introduced a bill, No. 38, for an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers.

Read first time and ordered printed.

Mr. McConnell presented a bill for an Act to change the name of Frances Sophia Bowen to that of Frances Sophia Burgess, and that of her infant son, Charles French Bowen, to that of Charles French Burgess.

Read first time.

Mr. Dana introduced a bill for an Act regulating Fees in Office.

Read first time and ordered printed.

Mr. Taylor introduced a bill for an Act entitled an Act to amend an Act entitled an Act amendatory of and supplementary to the Act entitled "An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854."

Read first time.

Mr. McCutchan presented a bill for an Act authorizing Common School Commissioners to raise money for the Erection of Buildings suitable for School purposes and other School Contingent Expenses.

Read first time and ordered printed

Mr. Burke gave notice of a bill for an Act to authorize J. Burekhalter to construct a Wagon Road from Mrs. Corbett's, in Mariposa County, to the Cow and Calf Ranch.

Mr. Ferrell gave notice of a bill for the protection and encouragement of the Volunteer Militia of the State of California.

Mr. Edwards, from the Committee on Judiciary, made the following report:

Mr. Speaker:

The Committee on Judiciary have instructed me to report that they have considered the Assembly bill No. 9, entitled an Act to repeal an Act concerning

County Judges, passed April 4, 1854, so far as the same extends to San Luis Obispo County, and recommend its passage without amendment.

Respectfully submitted,

P. L. EDWARDS,

Chairman.

Assembly bill No. 9, An Act to repeal an Act concerning County Judges, passed April 4, 1854, so far as the same extends to San Luis Obispo County. Read third time and passed.

Mr. Edwards, from the Judiciary Committee, made the following report:

Mr. Speaker:

The Committee on Judiciary to whom was referred Assembly bill No. 22, entitled An Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Shasta, have had the same under consideration and have instructed me to report the same to the House without amendment, and to recommend its passage.

Respectfully submitted,

P. L. EDWARDS,

Chairman.

Assembly bill No. 22, An Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Shasta.

Read third time and passed.

Mr. Douglas, from the Committee of Ways and Means, made the following report:

Mr. Speaker:

The Committee of Ways and Means have had under consideration a bill entitled an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative Expenses of this State, accruing from the first day of February, 1854, to the first day of February, 1855, and respectfully ask its passage.

DOUGLAS,

Chairman.

Senate bill No. 4. An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative Expenses of this State accruing from the first day of February, A. D., 1854, to the first day of February, A. D., 1855.

On motion of Mr. Ashley, the House resolved itself into Committee of the Whole on the bill to meet deficiencies in appropriations heretofore made.

Mr. Ashley in the chair.

The Committee considered the bill, rose, reported progress and asked leave to sit again, and that the bill be recommitted.

Mr. Hosmer, from the Committee on Elections, made the following report:

Mr. Speaker:

The undersigned, a majority in attendance of the Committee of Elections, to whom was referred the matter of contest between Samuel McCurdy, contestant, and E. R. Galvin, respondent, for a seat in the Assembly of California as representative from the County of Tuolumne, ask leave to report:

At the opening of the proceedings before your Committee, the respondent, Mr. Galvin, objected to an investigation into the merits of the contest on the grounds:

First. That the papers relating thereto had not been properly transmitted to the State Department.

Second. That they had not been sent to the Assembly within the time specified by law.

And said Galvin furthermore objected to each and all the affidavits and other testimony introduced by contestant, on the ground that he had had no sufficient notice of the place where the Commissioners were to meet for the purpose of taking testimony in the matter of the contest between him and said McCurdy; but your Committee find by the report of the Commissioners [see Report] that said Galvin was present by counsel during the investigation, and that some of the witnesses were subjected to a cross examination.

Your Committee, however, find that the papers relating to the contest were properly sent to the Secretary of State, [see Endorsement]; nor was any evidence adduced to show that the papers were not sent to the Assembly within two days after the opening of the session; and if such evidence had been introduced, your Committee do not think it would have justified them in refusing to have examined into the merits of the contest, for the law as to the time of forwarding the papers from the State Department to the Assembly is merely directory, and a neglect on the part of the Secretary to comply with its requirements could not deprive the electors of Tuolumne County of their just rights.

Your Committee, therefore, overruled the objections of the respondent and required him to proceed with the investigation.

The respondent asked for further time to procure witnesses and testimony, and for this purpose filed an affidavit herewith transmitted and marked A.

Your Committee, however, refused the application for further time on the ground that respondent had not used due diligence before asking for the delay.

Your Committee then proceeded to examine the evidence adduced by the respective parties to the contest, and find that by what purports to be the official vote of Tuolumne County, Mr. Galvin received, in the aggregate, one vote more than Mr. McCurdy, and in the aggregate are contested all the ballots cast at the precincts of Brazoria Bar and of Garote No. 2.

If we count all the ballots cast at Brazoria Bar, Mr. Galvin received at that precinct thirty-nine (39) votes, and Mr. McCurdy eleven (11). So if we count all the ballots cast at Garote No. 2, the respondent received twenty-three (23), and the contestant six (6).

Your Committee find, moreover, that votes cast at Brazoria Bar [see 4 and 8] for Mr. Galvin were illegal and fraudulent, and that two illegal [see No. 2 and 10] votes were cast for the respondent at Garote No. 2.

Furthermore, your Committee find that no poll list [No. 2] was returned to the County Clerk's Office from either the above named precincts, as required by statute.

They also find that at Brazoria Bar the polls were not opened till after the hour of 12 M., and that no proclamation of their being open was made by an

officer of the election or other person, and that said polls were kept open [see 11] long after the legal hour prescribed for their closing; and, furthermore, that ballots for Galvin [see 11] were received and deposited in the ballot box after sundown.

And they also find that one of the Judges of Election at Stevens' Bar was not a qualified elector of the county, and that the returns from Brazoria Bar were sent to the County Clerk's Office in the form, shape and manner of a loose bundle of papers, not sealed or enveloped as the law directed.

Therefore your Committee conclude and recommend that the returns from Brazoria Bar should not be counted among the legal returns of Tuolumne County.

Your Committee having found these facts after a careful examination of the testimony, arrive at the conclusion that the contesteant, Samuel McCurdy, is entitled to a seat in the Assembly from Tuolumne County; they, therefore, recommend the passage of the following resolution:

Resolved, That Samuel McCurdy is entitled to the seat in the Assembly hitherto occupied by E. R. Galvin from Tuolumne County, and that he is hereby declared a member elect from said county.

All of which is respectfully submitted,

H. B. HOSMER,
Chairman.

THOS. J. OXLEY,
J. J. ARRINGTON.

Mr. Watkins moved to lay the report upon the table.

Messrs. Farwell, Oxley and Arrington demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Chase, Coombs, Cunningham of El Dorado, Flournoy, Foster, Gaver, Geller, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Ryland, Stevens, Stevenson, Singley, Smith of Marin, Stewart, Taliaferro, Vineyard, Watkins and Wells—30.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cammet, Cory, Clayton, Covarrubias, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxler, Phelps, Rodgers, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker—45.

So the motion was lost.

Mr. Johnson, of El Dorado, moved a call of the House.

Messrs. Taliaferro, Stevens and Johnson, of El Dorado, demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Buffum, Chase, Clayton, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Foster, Galvin, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Vineyard, Watkins, Wells—31.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Brown of Nevada, Burke, Cammet, Cory, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Flournoy, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker—45.

The House refused to sustain the call.

Mr. Arrington moved to adopt the report.

Mr. Kinney moved to postpone the subject until Thursday next at 12 o'clock M.

Mr. Buffum moved to postpone until 3 o'clock this evening.

Motion lost.

Mr. Farwell moved to postpone until this evening at 6 o'clock P. M.

Messrs. Farwell, Watkins and Farley demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Baker, Beatty, Brown of Nevada, Buffum, Cammet, Clayton, Coombs, Farwell, Geller, Hunt, Mellus, Stevens, Smith of Marin and Watkins—15.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Ashley, Adkison, Bates, Bogardus, Boles, Brewton, Brown of Contra Costa, Cory, Chase, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Ferrell, Flournoy, Foster, Gaver, Gober, Graves, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, McConnell, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevenson, Sherrard, Singley, Smith of El Dorado, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Waite, Wells, Whitney and Mr. Speaker—59.

Motion was lost.

The question recurring upon Mr. Kinney's motion to postpone the subject until Thursday;

Messrs. Amyx, Johnson and Dana demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Chase, Clayton, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Flournoy, Foster, Gaver, Geller, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Vineyard, Watkins and Wells—35.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker—42.

The motion was lost.

At twenty-five minutes after 1 o'clock Mr. Geller moved to adjourn.

Mr. Kinney moved to adjourn until 2 o'clock this day

Messrs. Amyx, Dana and Farwell demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Ashley, Adkison, Baker, Buffum, Burke, Cammet, Covarrubias, Dana, Douglas, Doughty, Hunt, Knox, Mellus, Murdock, Taliaferro, Taylor, Watkins and Waite—18.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Arrington, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Cory, Chase, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Edwards, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Lincoln, McCutchan, McConnell, Meredith, Moreland, Oxley, Palmer, Phelps, Quinn, Rowe, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Updegraff, Vineyard, Wells, Whitney and Mr. Speaker—57.

So the motion was lost and also that of Mr. Geller.

Mr. Baker moved that the parties in the case of the contested seat be allowed to appear before the House with counsel.

The Speaker decided the motion out of order as the question on adopting the report was before the House.

Mr. Baker appealed from the decision of the Chair.

Messrs. Beatty, Amyx and Dana demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Buffum, Cammet, Cory, Covarrubias, Curtis, Dana, Doughty, Edwards, Farley, Farwell, Ferrell, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Rowe, Ryland, Stevenson, Sherrard, Singley, Stewart, Taylor, Updegraff, Vineyard, Waite, Wells and Whitney—47.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Baker, Beatty, Bogardus, Brewton, Brown of Nevada, Chase, Coombs, Foster, Gaver, Giller, Hunt, Johnston of San Francisco, Kinney, McCutchan, McConnell, Quinn, Smith of Marin, Taliaferro and Watkins—20.

So the Speaker's decision was sustained.

Mr. Stevenson moved to lay the whole matter on the table.

Messrs. Farley, Hosmer and Edwards demanded the ayes and noes.

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Brewton, Buffum, Chase, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Foster, Gaver, Geller, Johnson of El Dorado, Johnston of San Francisco, Kinney, Knox, McCutchan, McConnell, Quinn, Stevens, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro and Vineyard—28.

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Burke, Cammet, Cory, Covarrubias, Curtis, Dana, Douglas, Doughty, Edwards, Farwell, Ferrell, Flournoy, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Rowe, Ryland, Stevenson, Taylor, Updegraff, Watkins, Waite, Wells, Whitney and Mr. Speaker—45.

The motion was lost.

Mr. Stevenson gave notice of moving a re-consideration on to-morrow.

Mr. Stevenson moved to adjourn.

Messrs. Johnson of El Dorado, Johnston of San Francisco and Rowe demanded the ayes and noes.

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Chase, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Flournoy, Foster, Gaver, Geller, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Vineyard, Watkins and Wells—34.

NOES.

Messrs. Andrews, Arrington, Adkison, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Covarrubias, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker—43.

The motion was lost.

On motion, leave was granted to the parties to appear with counsel and introduce new testimony.

Mr. Flournoy moved a recess until 4 o'clock, P. M., of this day.

Motion lost.

Mr. Chase moved a recess until 6 o'clock.

Lost.

Mr. Kinney moved to adjourn.

Messrs. Kinney, Chase and Stevenson called for the ayes and noes.

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Chase, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Foster, Gaver, Geller, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of Marin, Taliaferro, Vineyard and Wells—37.

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Cammet, Cory, Covarrubias, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Smith of El Dorado, Stewart, Taylor, Updegraff, Watkins, Waite, Whitney and Mr. Speaker—46.

The motion was lost.

Mr. Watkins, from the Committee on Elections, asked and obtained leave to make a minority report upon the contested case.

The report was made as follows:

Mr. Speaker :

We, the undersigned, a minority of the Committee to whom was referred the subject of the contested election of E. R. Galvin of Tuolumne County, have had the same under consideration, and, after a calm and mature examination of the matter, find themselves constrained to dissent from the majority of said Committee as well in the statement of facts as in the conclusion to which they have arrived.

Upon taking up the case for a hearing and consideration, the sitting member filed his objections to the further reading of the papers, because they had not been brought before the Assembly in accordance with the law; that the evidence was inadmissible, because it had not been taken at the place stated in the notice, nor before the Commissioners specified in said notice.

Some of the depositions were not sworn to, and those purporting to be sworn to were not certified, as required by law; and the matter contained in them was mostly hearsay evidence and inadmissible, together with other objections; all of which were overruled by the majority of the Committee, to which we, the minority, cannot subscribe; therefore we beg leave to submit this our minority report.

Without urging in behalf of the sitting member the fact that the papers were irregular and not delivered up in accordance with law, which we find to be the case; nevertheless, we cannot but consider the objections well taken, that the names of the alleged illegal voters are not given, nor the grounds of their illegality, without which it would be impossible for the sitting member to prepare a defence; and we believe the rule is well settled that in contests for illegality of votes the opposite party is entitled to a notice of their names and the cause of illegality, before proof can be taken in the matter.

The notice served on the sitting member shows that a commission had issued to James M. Steward and R. Q. Sullivan, Justices of the Peace for said county, to meet at the Court House in Sonora, on the 21st of October, 1854, whilst the depositions disclose the fact that they were taken before W. H. Worth and R. Q. Sullivan on the 23d of October, and at another place; and the change in the justices mentioned in evidence remains unexplained.

The sitting member states in his affidavit that he attended at the Court House in Sonora all the day of the 21st of October last, to superintend the taking of any testimony in the case; that no person attended there for that purpose; that he was not notified of the sitting elsewhere; and that no one was authorized by him, or by any person for him, to attend to the taking of the same elsewhere.

We, the undersigned, regard the whole of said testimony illegal, and, if legal, insufficient to establish the right of the contestant to a seat in this Assembly.

If the depositions can be considered as properly taken, the deposition of Mr. J. D. Ray proves that the polls were opened after mid-day and closed after sunset; but regarding that duty on the part of the Inspector and Judges directory merely, and there being no proof, in our opinion, in said cause showing that the contestant was prejudiced thereby, or that it was caused by the influence or the acts of the sitting member, we regard it as of no vital importance.

In like manner we regard the returns of said election, the officer appointed by law to receive them having made his return, we consider it would be a dangerous and unsafe precedent to go behind his certificate, without establishing a gross fraud against the right of the contestant, which does not appear in the case even from the irregular and illegal evidence adduced.

But, admitting we are in error in the views we have above stated, and that the evidence was properly taken, still it does not establish the right of the contestant to the seat.

He might yet fall short of the number of votes necessary to secure his election, for the exact state of the polls between himself and the sitting member is not in proof before us, unless, indeed, the tattered newspaper, unaided by other evidence, purporting to be the official returns of said election, furnished by the contestant's attorney to the Committee, can be regarded as evidence; a supposition which we will not insult the justice and good sense of this House in presuming.

And we further report, that after the evidence filed in the House and the aforesaid newspaper furnished by the contestant's counsel of which there was no previous notice, the sitting member asked leave for time to adduce testimony to show that certain persons enumerated in his affidavit, had voted for the contestant, who were not legal voters, and to show and prove by witnesses that he had received a majority of the legal votes cast at the election, which the majority refused to grant, which we think against law and right; we, therefore, recommend to the House that the report of the majority be reversed, and that the sitting member be allowed a reasonable time to take his testimony, or that said proceeding be dismissed.

J. S. WATKINS,
Chairman.

Mr. Kinney moved to re-commit to the Committee on Elections all the papers in the contested election case, with power to send for persons and papers, and that the Committee be instructed to notify both parties of the time where they will give the subject a hearing.

Mr. Farley moved to lay the motion on the table.

Messrs. Farley, Dana and Quinn demanded the ayes and noes.

AYES.

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Brown of Nevada, Cory, Covarrubias, Curtis, Dana, Douglas, Edwards, Farley, Farwell, Flournoy, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Phelps, Rodgers, Rowe, Sherrard, Taylor, Updegraff, Waite, Wells, Whitney and Mr. Speaker—38.

NOES.

Messrs. Amyx, Ashley, Baker, Beatty, Bogardus, Boles, Buffum, Burke, Cammet, Chase, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Foster, Gaver, Geller, Hunt, Johnson of El Dorado, Johnston of San Francisco, Kinney, McConnell, Palmer, Quinn, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Vineyard and Watkins—34.

So the motion to lay on the table was carried.

Mr. Watkins moved to adjourn.

Messrs. Farwell, Dana and Johnston, of San Francisco, demanded the ayes and noes.

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada,

Buffum, Burke, Chase, Clayton, Coombs, Cunningham of Dorado, Cunningham of Sierra, Curtis, Ferrell, Flournoy, Foster, Galvin, Gaver, Geller, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins and Wells—37.

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Cammet, Cory, Covarrubias, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferguson, Gaylord, Gober, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Phelps, Rodgers, Rowe, Ryland, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker—38.

The motion was lost.

Mr. Arrington moved to take from the table the motion of Mr. Kinney.

Messrs. Farwell, Arrington and Johnston, of San Francisco, demanded the ayes and noes.

AYES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer Hunt, Jones, Keys, Knox, Lincoln, McConnell, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Taylor, Updegraff, Waite, Whitney and Mr. Speaker—45.

NOES.

Messrs. Amyx, Baker, Beatty, Bogardus, Brewton, Brown of Nevada, Chase, Clayton, Coombs, Ferrell, Foster, Gaver, Geller, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Stewart, Taliaferro, Vineyard, Watkins and Wells—30.

So the motion was agreed to.

At twenty minutes past 4 o'clock, P. M., Mr. Kinney moved to adjourn.

Messrs. Farwell, Oxley and Arrington demanded the ayes and noes.

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Buffum, Chase, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Flournoy, Foster, Gaver, Geller, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Vineyard, Watkins and Wells—37.

NOES.

Messrs Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Cammet, Covarrubias, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferguson, Galvin, Gaylord, Gober, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellns, Meredith, Moreland Murdock, Oxley, Phelps, Rodgers, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker—40.

The motion was lost.

Mr. Buffum moved the previous question.

Lost.

Mr. Flournoy moved a recess till 6 o'clock.

Mr. Kinney moved to adjourn.

The Speaker decided that Mr. Flournoy's motion had precedence.

Mr. Kinney appealed from the decision of the Speaker.

The decision of the Chair was sustained.

On the motion to adjourn till 6 o'clock, P. M., Messrs. Johnson of El Dorado, Foster and Arrington demanded the ayes and noes.

AYES.

Messrs. Andrews, Arrington, Ashley, Adkison, Brown of Contra Costa, Brown of Nevada, Cammet, Covarrubias, Dana, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Gaylord, Geller, Gober, Graves, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Ryland, Stewart, Taylor, Updegraff, Waite and Mr. Speaker—35.

NOES.

Messrs. Amyx, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Buffum, Cory, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Douglas, Foster, Ferguson, Galvin, Gaver, Gragg, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Mellus, Palmer, Quinn, Rowe, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins, Wells and Whitney—40.

The motion was lost.

Mr. Arrington moved to adjourn until to-morrow at 9 o'clock, A. M.

Messrs. Farwell, Dana and Arrington demanded the ayes and noes.

AYES.

Messrs. Andrews, Arrington, Ashley, Adkison, Brown of Contra Costa, Brown of Nevada, Cammet, Covarrubias, Curtis, Dana, Doughty, Farley, Farwell, Ferrell, Ferguson, Gaylord, Geller, Gober, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Taylor, Updegraff, Waite, Whitney and Mr. Speaker—36.

NOES.

Messrs. Amyx, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Buffum, Cory, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Douglas, Foster, Galvin, Gaver, Graves, Gragg, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Rowe, Ryland, Stevens, Stevenson, Sherrard, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins and Wells—37.

The motion was lost.

Mr. Farley moved to adjourn until 7½ o'clock, P. M.

Messrs. Farley, Dana and Arrington demanded the ayes and noes.

AYES.

Messrs. Andrews, Arrington, Adkison, Brown of Contra Costa, Cammet, Cory, Covarrubias, Dana, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Sherrard, Taylor, Updegraff, Waite, Whitney, and Mr. Speaker—34.

NOES.

Messrs. Amyx, Ashley, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Douglas, Edwards, Ferrell, Foster, Galvin, Gaver, Geller, Graves, Gragg, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Rowe, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins and Wells—42.

The motion was lost.

Motion was made to adjourn until 9 o'clock, A. M., to-morrow.

Messrs. Farwell, Arrington and Farley demanded the ayes and noes.

AYES.

Messrs. Amyx, Ashley, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Buffum, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Doughty, Ferrell, Foster, Galvin, Gaver, Geller, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins, Waite, Wells and Mr. Speaker—40.

NOES.

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cammet, Cory, Covarrubias, Dana, Douglas, Edwards, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Phelps, Rodgers, Rowe, Sherrard, Taylor, Updegraff and Whitney—35.

So, at 5 o'clock, P. M., the House agreed to adjourn until 9 o'clock, A. M., to-morrow.

IN ASSEMBLY.

WEDNESDAY, January 17, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Mr. Wheeler.

Mr. Cook appeared, was qualified and took his seat.

Roll called and the following members were absent:

Messrs Baker, Brown of Nevada, Clayton, Cunningham of Sierra, Dana, Farley, Flournoy, Jones, Knox, McConnell, Meredith, Palmer, Stevenson, Sherrard, Stewart and Vineyard.

Assembly bill No. 38, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 15th, 1854.

Read second time and referred to Judiciary Committee.

Assembly bill No. 37, an Act authorizing Common School Commissioners to raise Money for the erection of Buildings suitable for School purposes, and other School contingent expenses.

Read second time and referred to Committee on Education.

Assembly bill No. 39, an Act to change the name of Frances Sophia Bowen to that of Frances Sophia Burgess, and that of her infant son, Charles French Bowen, to that of Charles French Burgess.

Read second time and referred to the El Dorado delegation.

Assembly bill No. 40, an Act entitled an Act to amend an Act entitled an Act amendatory of and supplementary to the Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed May 15th, 1854.

Read second time and referred to Judiciary Committee.

Assembly bill No. 33, an Act concerning lawful Fences and trespassing of Animals on private property.

Ordered printed.

Mr. Curtis gave notice of a bill to provide for surveying and constructing a Wagon Road from the Sacramento Valley to the Northern Boundary of the State.

Mr. Taylor gave notice of a bill for an Act to provide for the Incorporation of Canal Companies for Agricultural Navigation and other than Mining purposes.

The following message was received from the Senate :

Mr. Speaker:

I am directed to inform the Assembly that the Senate, yesterday, passed concurrent resolutions directing the appointment of a Joint Committee to examine the bonds and Controller's warrants redeemed by the State Treasurer, and all records, accounts and vouchers pertaining to the same, &c.; and that Messrs.

Kendall, Scellen and Flint have been appointed such Committee on the part of the Senate.

Also, that they have, this day, passed Senate bill No. 13, entitled an Act to authorize the Governor of this State to appoint Commissioners to the World's Industrial Exhibition, to be holden at Paris in the year 1855.

WM. A. CORNWALL,
Secretary of the Senate.

The Senate concurrent resolution appointing a Committee of three to examine the bonds and Controller's warrants redeemed by the State Treasurer, and all records, accounts and vouchers pertaining to the same, was concurred in.

• Messrs Wells, Oxley and Cory were appointed on behalf of the Assembly.

Senate bill No. 13, an Act to authorize the Governor of this State to appoint Commissioners to the World's Industrial Exhibition, to be holden at Paris in the year 1855.

Read first time.

Mr. Arrington presented a joint resolution relative to a division of the State.

Read first time, and, on motion of Mr. Stevenson, the resolutions were indefinitely postponed.

Mr. Meredith presented the following report from the Committee on Enrollment :

Mr. Speaker:

The Joint Committee have examined and find correctly enrolled, an Act requiring the Controller to audit certain bills of the Members and Officers of the present Legislature.

H. B. MEREDITH,
Chairman.

The election case, (McCurdy vs. Galvin) being the unfinished business of yesterday, was taken up, the question being on Mr. Kinney's motion to recommit.

Counsel was introduced by the parties—Mr. Robinson for McCurdy and Messrs. Sanders and Howard for Galvin.

At fifteen minutes past twelve o'clock, on motion, the Assembly took a recess for fifteen minutes.

•
At half past twelve o'clock, P. M., the House met.

The Clerk informed the Senate that the House was ready to receive that body in Joint Convention, to elect a United States Senator.

The Sergeant-at-Arms announced the President and members of the Senate.

IN CONVENTION.

The President of the Senate called the Convention to order.

The roll was called, and the following Senators and members were absent :

On the part of the Senate, Messrs. Crenshaw, Mahoney and Peck. On the part of the Assembly, Messrs. Cammet, Flournoy and Jones.

Mr. Sprague was appointed the teller on the part of the Senate, and Mr. Dana on the part of the House.

Mr. McFarland introduced the following resolution :

Whereas, It is due to the State of California, as far as she is represented in the Senate, that each Senator should be present and give expression to the wishes of the people whom he represents ; *and, whereas*, the Hon. David Mahoney, Senator from the County of San Francisco, is prevented from attending the Convention by serious illness, so serious that bad consequences might follow from an effort to attend, thereby depriving a large portion of the people of the State from a voice in the Convention,

Resolved, therefore, That a Committee of three be appointed to receive in writing the vote of the Hon. David Mahoney, and report the same to this Convention, and that the vote thus received be counted in the ballot taken for the election of a United States Senator.

The resolution was adopted.

The President appointed Messrs. McFarland, Ashley and Crenshaw the Committee, under the resolution.

Mr. Whiting offered a resolution to adjourn until twelve o'clock on Friday next.

Resolution lost.

The Convention then proceeded to vote for United States Senator.

The following count was taken :

Those who voted for William M. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Galvin, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quin, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for D. C. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Ashley, Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Phillip L. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. Jos. W. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Gaver, Geller, Jones, Rogers, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Those who voted for Mr. James A. McDougal were Mr. McFarland, of the Senate, and

Mr. Buffum, of the Assembly.

Mr. Edwards, of the Assembly, voted for Mr. F. Billings.

Mr. Ferrell, of the Assembly, voted for Mr. Solomon Heydenfeldt.

Mr. Gaylord, of the Assembly, voted for Mr. Frank Soule.

Mr. Phelps, of the Assembly, voted for Mr. R. T. Sprague.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Gwin received forty-two votes.

Mr. Broderick received twelve votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received fourteen votes.

Mr. McDougal received two votes.

Mr. Billings received one vote.

Mr. Heydenfeldt received one vote.

Mr. Soule received one vote.

Mr. Sprague received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to ballot a second time for United States Senator.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglass, Doughty, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Buffum, Cammet, Flournoy, Galvin, Gaver, Geller, Jones Ryland, Sherrard, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Mr. Edwards, of the Assembly, voted for Tod Robinson.

Mr. Ferrell, of the Assembly, voted for Mr. Heydenfeldt.

Mr. Gaylord, of the Assembly, voted for Mr. Soule.

Mr. Phelps, of the Assembly, voted for Mr. Sprague.

Mr. Rodgers, of the Assembly, voted for Mr. Halleck.

Whole number of votes cast, one hundred and eleven.

Necessary to a choice, fifty-six.

Mr. Gwin received forty-one votes.

Mr. Broderick received eleven votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received seventeen votes.

Mr. McDougal received one vote.

Mr. Robinson received one vote.

Mr. Heydenfeldt received one vote.

Mr. Soule received one vote.

Mr. Sprague received one vote.

Mr. Halleck received one vote.

No one having received a majority of all the votes cast, it was declared by the President that there was no election.

Mr. Oxley submitted the following :

Resolved, By the Senate and Assembly of the State of California, in Convention, that, from and after this time, when the respective Clerks of the Senate and Assembly call the roll, each member, in announcing his vote, be required to rise in his seat, and pronounce, in an audible voice, the name of the gentleman for whom he votes for the office of United States Senator.

Adopted.

The Convention then proceeded to ballot a third time for United States Senator.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Beatty, Baker, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Flourney, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quin, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins and Wells, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Galvin, Gaver, Geller, Jones, Sherrard and Stewart, of the Assembly.

Those who voted for Mr. Heydenfeldt were—Messrs. Ferrell and Ryland, of the Assembly.

Mr. Edwards, of the Assembly, voted for Mr. J. B. Cooke.

Messrs. Buffum and Gaylord, of the Assembly, voted for Mr. Frank Soule.

Mr. Phelps, of the Assembly, voted for Mr. R. T. Sprague.

Mr. Rogers, of the Assembly, voted for Mr. H. W. Halleck.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Whole number of votes cast, one hundred and eleven.

Necessary to a choice, fifty-six

Mr. Gwin received forty-three votes.

Mr. Broderick received eleven votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received thirteen votes.

Mr. Heydenfeldt received two votes.

Mr. Soule received two votes.

Mr. J. B. Cook received one vote.

Mr. Sprague received one vote.

Mr. Halleck received one vote.

Mr. McDougal received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to ballot a fourth time for United States Senator.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quin, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust and Stebbins, of the Senate, and

Messrs. Cammet, Flournoy, Galvin, Gaver, Geller, Jones, Ryland, Stewart and Wells, of the Assembly.

Those who voted for Mr. Sprague were—Mr. Tuttle, of the Senate, and Mr. Phelps, of the Assembly.

Those who voted for Mr. E. C. Marshall were—Messrs. Buffum and Sherrard of the Assembly.

Those who voted for Mr. Soule were—Messrs. Doughty, Edwards and Gaylord, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Those who voted for Mr. Heydenfeldt were—Messrs. Ashley and Ferrell, of the Assembly.

Mr. Rodgers, of the Assembly, voted for Mr. Halleck.

Mr. Rowe, of the Assembly, voted for Mr. O. B. Smith.

Whole number of votes cast, one hundred and eleven.

Necessary to a choice, fifty-six.

Mr. Gwin received forty-one votes.

Mr. Broderick received eleven votes.

Mr. Edwards received thirty-four votes.

Mr. McCorkle received thirteen votes.

Mr. Marshall received two votes.

Mr. Soule received three votes.

Mr. Heydenfeldt received two votes.

Mr. Sprague received two votes.

Mr. McDougal received one vote.

Mr. Halleck received one vote.

Mr. Smith received one vote.

No person received a majority of all the votes cast.

Mr. Mandeville moved that the Convention adjourn till to-morrow, at twelve o'clock, upon which Messrs. Sprague, Peck and Mandeville demanded the ayes and noes, with the following result :

AYES.

Messrs. Burton, Flint, Hall, Hawthorne, Kendall, Lippincott, Mandeville, May McCoun, McGarry, Moore, Peck, Rust, Scellen, Sprague, Stebbins, Tuttle and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Baker, Brewton, Brown of Contra Costa, Buffum, Burke, Clayton, Covarrubias, Cunningham of El Dorado, Dana, Douglas, Flourtoy, Foster, Ferguson, Gaver, Geller, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Kinney, Knox, Lincoln, McUtcham, Mellus, Meredith, Moreland, Oxley, Palmer, Phelps, Rodgers, Stevens, Stevenson, Sherrard, Smith of El Dorado, Smith of Marin, Stewart, Updegraff, Vineyard, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—55.

NOES.

Messrs. Colby, Crenshaw, Day, French, Gove, Hawks, Heintzelman, Hook, Keene, Leake, McFarland, McNeil and Norman, of the Senate, and

Messrs. Amyx, Ashley, Bates, Beatty, Bogardus, Boles, Brown of Nevada, Cory, Chase, Coombs, Cook, Cunningham of Sierra, Curtis, Doughty, Edwards, Farley, Farwell, Ferrell, Galvin, Johnson of El Dorado, Johnston of San Francisco, McConnell, Murdock, Quin, Rowe, Ryland, Singley, Taliaferro, Taylor and Watkins, of the Assembly—43.

So the Convention adjourned till to-morrow at twelve o'clock.

The Senate then withdrew.

Mr. Ashley moved, at fifteen minutes past two o'clock, P. M., that the House take a recess until four o'clock, P. M.

Motion agreed to.

At four o'clock, P. M., the House re-assembled.

The counsel for Mr. Galvin (Mr. Howard) concluded his argument.

Mr. Robinson concluded for Mr. McCurdy.

The question being the motion to re-commit, Messrs. Kinney, Oxley and Cammet demanded the ayes and noes.

AYES.

Messrs. Beatty, Bogardus, Boles, Brewton, Buffum, Cammet, Clayton, Coombs, Cook, Cunningham of Sierra, Doughty, Ferrell, Flournoy, Foster, Gaver, Geller, Johnson of El Dorado, Kinney, McCutchan, McConnell, Palmer, Quin, Stevenson, Singley, Stewart, Taliaferro, Vineyard—27.

NOES.

Messrs. Andrews, Amyx, Arrington, Ashley, Adkison, Baker, Bates, Brown of Contra Costa, Brown of Nevada, Burke, Cory, Curtis, Dana, Douglas, Edwards, Farley, Farwell, Ferguson, Gaylord, Gober, Graves, Gragg, Hosner, Hunt, Keys, Knox, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Taylor, Updegraff, Watkins, Wells, Whitney, Mr. Speaker—41.

Lost.

Mr. Douglass moved to re-consider the vote just taken.

Lost.

Mr. Arrington withdrew his motion to adopt the majority report.

Mr. Flournoy moved to reject the majority report.

Mr. Stevenson moved to adjourn until to-morrow, at nine o'clock, A. M.

Not agreed to.

Mr. Flournoy withdrew his motion to reject the report.

Mr. Farwell presented the following resolution :

Resolved, That the House go into a further examination of witnesses in the case now pending before it, wherein Mr McCurdy appears as contestant for the seat now occupied by Mr. Galvin, and that the said case be made the special order of business until the same is decided.

Mr Taylor moved the previous question, which was sustained.

The resolution was adopted.

Mr. Ferrell moved to adjourn until nine o'clock, A. M. to-morrow.

Lost.

Mr. Taliaferro moved to adjourn until 10 o'clock, to-morrow.

Agreed to.

IN ASSEMBLY.

THURSDAY, January 18, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Mr. Wheeler.

Roll called and the following members were absent:

Messrs. Coombs, Cunningham of El Dorado, Curtis, Foster, Jones, Stevenson, Smith of Marin and Vineyard.

The Journal of yesterday was read and approved.

Assembly bill No. 18, An Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same.

Read second time and referred to Committee on Education.

Assembly bill No. 36, An Act regulating Fees in Office.

Read second time and referred to Judiciary Committee.

Mr. Buffum introduced a bill for an Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Read first and second time and referred to Judiciary Committee.

Mr. Watkins introduced a bill for an Act to create a Board of Supervisors for Alameda County.

Read first and second time and referred to Judiciary Committee.

Mr. McCutchan introduced a bill for an Act concerning Juries and Jury Trials in this State.

Read first and second time and referred to Judiciary Committee.

Mr. Bates gave notice of a bill providing for the construction of a Wagon Road from the mouth of the Cañon in Shasta County to the City of Shasta.

Mr. Taliaferro gave notice of a bill for an Act to establish a Uniform System of Mining Laws in the several Townships of the Mining Counties of this State.

Mr. Buffum gave notice of a bill to change the name of John Joseph Murphy to John Joseph Clinton.

Mr. Curtis gave notice of a bill creating Humboldt and Klamath Counties the Thirteenth Judicial District, and to regulate the Terms of holding the Courts therein.

Mr. Watkins gave notice of a bill to declare the Head of Navigation on Alameda River in Alameda County.

Mr. Rowe gave notice of a bill creating Siskiyou and Trinity Counties the Eighth Judicial District, and regulating the Terms of holding Courts therein.

Mr. Ryland gave notice of a bill for an Act to define the Boundary Line between the Counties of Santa Clara and Alameda.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate yesterday passed a

concurrent resolution relative to the distribution of copies of bills ordered printed by the Senate and Assembly.

WM. A. CORNWALL,
Secretary of Senate.

Senate concurrent resolution above referred to was concurred in by the House.

Mr. Taylor, on leave, introduced a bill for an Act entitled an Act to provide for the Revision of the Statutes of this State.

Read first time and ordered printed.

Assembly bill No. 23, An Act concerning Estrays.

On motion, it was referred to the Committee on Agriculture.

The unfinished business of yesterday, being the Contested Election case, the House proceeded to consider it.

Mr. Taliaferro moved a call of the House.

Lost.

One of the witnesses, D. P. Baldwin, on behalf of Mr. McCurdy, was called to the bar of the House and qualified.

On motion of Mr. Curtis, the Speaker appointed Messrs. Coats and Weed to note and report the evidence.

The Reporters were then sworn.

Mr. Flourney moved that the Speaker should decide upon the admissibility of the testimony in the case.

Agreed to.

Mr. Baldwin then gave his testimony.

Mr. Cogswell was then introduced and qualified.

Mr. Ford was called forward and qualified.

Mr. Lincoln moved that witness be allowed to answer as to election returns, etc.

Mr. Taylor moved the previous question.

Messrs. Watkins, Taliaferro and Beatty demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Bufum, Burke, Cammet, Cory, Coombs, Covarrubias, Cunningham of El Dorado, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rodgers, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker—39.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Ashley, Baker, Beatty, Bogardus, Boles, Brewton, Clayton, Cook, Cunningham of Sierra, Ferrell, Flourney, Foster, Gaver, Geller, Graves, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCutchan, McConnell, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Watkins and Wells—36.

The motion was sustained.

The ayes and noes were demanded on the motion made by Mr. Lincoln.

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Coombs, Cook, Covarrubias, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Stevenson, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker—46.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Clayton, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Flournoy, Foster, Gaver, Geller, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Ryland, Stevens, Singley, Smith of Marin, Stewart, Taliaferro, Watkins and Wells—29.

The motion was carried.

Mr. Oxley moved a re-consideration of the vote.

Mr. Johnston, of San Francisco, moved a recess of fifteen minutes to arrange the House for the Joint Convention.

Agreed to.

At half after 12 o'clock, P. M., the House re-assembled.

The Clerk, by direction of the Speaker, informed the Senate that the Assembly was prepared to meet them in Joint Convention to elect a United States Senator.

The Sergeant-at-Arms announced the President and members of the Senate.

IN CONVENTION.

The President called the Convention to order.

Mr. McFarland, of the Senate, presented the following report:

The Committee appointed to wait upon the Hon. D Mahoney and receive his vote in writing, beg leave to report that they have performed the duty assigned them, and herewith transmit to the Convention his communication in writing.

McFARLAND,
Chairman.
CRENSHAW.

To Messrs. McFarland, Crenshaw and Ashley,

Committee on behalf of the Joint Convention:

Gentlemen:

You are hereby authorized to cast my vote on every ballot for D. C. Broderick for United States Senator from the 4th of March next.

Respectfully yours,

D. MAHONEY.

SACRAMENTO, January 18, 1855.

Mr. Arrington submitted the following:

Resolved, whereas, The seat of Mr. Galvin is now being contested before the bar of the Assembly; *and, whereas,* it is deemed inexpedient, if not improper, to proceed with the election of a United States Senator until the said contest shall have been finally settled; therefore,

Resolved, That the Assembly do now withdraw from the Joint Convention until the definite settlement of the contested seat at present occupied by Mr. Galvin.

Lost.

The Convention then proceeded to take the fifth ballot for United States Senator:

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. D. C. Broderick were—Messrs. Colby, Day, Hall, Lipincott, Mahoney, Moore, Sprague and Whiting of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Philip L. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Buffum and Cammet, of the Assembly.

Those who voted for Mr. McCorkle, were—Messrs. Flint, May, Rust, Stebbins and Tuttle of the Senate, and

Messrs. Ashley, Flournoy, Galvin, Gaver, Geller, Jones, Rodgers, Ryland, Sherrard, Stewart and Wells of the Assembly.

Mr. Edwards, of the Assembly, voted for Mr. E. P. Fletcher.

Mr. Ferrell, of the Assembly, voted for Mr. Solomon Heydenfeldt.

Mr. Gaylord, of the Assembly, voted for Mr. Frank Soule.

Mr. Phelps, of the Assembly, voted for Mr. R. T. Sprague.

Whole number of votes cast, one hundred and twelve.

Necessary to a choice, fifty-seven.

Mr. Gwin received forty-one votes.

Mr. Broderick received twelve votes.

Mr. Edwards received thirty-six votes.

Mr. McDougal received three votes.

Mr. McCorkle received sixteen votes.

Mr. Fletcher received one vote.

Mr. Heydenfeldt received one vote.

Mr. Soule received one vote.

Mr. Sprague received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the sixth ballot.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boes, Brewton, Brown of Nevada, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Mr. Buffum, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Galvin, Gaver, Geller, Jones, Rodgers, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Messrs. Doughty and Gaylord, of the Assembly, voted for Mr. Soule.

Mr. Edwards, of the Assembly, voted for Mr. Crabb.
Mr. Ferrell, of the Assembly, voted for Mr. Howard.
Mr. Phelps, of the Assembly, voted for Mr. Sprague.

Whole number of votes cast, one hundred and twelve.
Necessary to a choice, fifty-seven.

Mr. Gwin received forty votes.
Mr. Broderick received twelve votes.
Mr. Edwards received thirty-six votes.
Mr. McDougal received two votes.
Mr. McCorkle received seventeen votes.
Mr. Soule received two votes.
Mr. Crabb received one vote.
Mr. Howard received one vote.
Mr. Sprague received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the seventh ballot.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Maudeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quin, Steveus, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. James A. McDougal were Mr. McFarland, of the Senate, and

Mr. Buffum, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Galvin, Gaver, Geller, Jones, Rodgers, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Mr. Gaylord, of the Assembly, voted for Mr. Soule.
Mr. Edwards, of the Assembly, voted for Mr. J. N. Johnson.
Mr. Ferrell, of the Assembly, voted for Mr. Howard.
Mr. Phelps, of the Assembly, voted for Mr. R. T. Sprague.

Whole number of votes cast, one hundred and twelve.
Necessary to a choice, fifty-seven

Mr. Gwin received forty votes.
 Mr. Broderick received twelve votes.
 Mr. Edwards received thirty-seven votes.
 Mr. McDougal received two votes.
 Mr. McCorkle received seventeen votes.
 Mr. Soule received one vote.
 Mr. J. N. Johnson received one vote.
 Mr. Sprague received one vote.
 Mr. Howard received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the eighth ballot.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gore, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McIntchan, McConnell, Palmer, Quin, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Tahaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and
 Messrs. Chase, Covarrubias, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and,
 Mr. Buffum, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Galvin, Gaver, Geller, Jones, Rodgers, Rowe, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Mr. Edwards, of the Assembly, voted for Mr. Tingley.
 Mr. Ferrell, of the Assembly, voted for Mr. Howard.
 Mr. Gaylord, of the Assembly, voted for Mr. Soule.
 Mr. Graves, of the Assembly, voted for Mr. Halleck.
 Mr. Phelps, of the Assembly, voted for Mr. Sprague.

Whole number of votes cast, one hundred and eleven.
 Necessary to a choice, fifty-six.

Mr. Gwin received thirty-eight votes.
 Mr. Broderick received twelve votes.
 Mr. Edwards received thirty-six votes.

Mr. McDougal received two votes.
Mr. McCorkle received eighteen votes.
Mr. Tingley received one vote.
Mr. Howard received one vote.
Mr. Halleck received one vote.
Mr. Sprague received one vote.
Mr. Soule received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the ninth ballot.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lipincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and
Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Bates, Brown of Contra Costa, Cory, Crrtis, Dana, Douglas, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Buffum, Cammet, Flournoy, Galvin, Gaver, Geller, Jones, Rodgers, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.
Mr. Adkison, of the Assembly, voted for R. N. Wood.
Mr. Doughty, of the Assembly, voted for Mr. Peyton.
Mr. Edwards, of the Assembly, voted for Mr. Upson.
Mr. Ferrell, of the Assembly, voted for Mr. Howard.
Mr. Gaylord, of the Assembly, voted for G. W. Colburn.
Mr. Phelps, of the Assembly, voted for R. T. Sprague.

Whole number of votes cast, one hundred and ten.
Necessary to a choice, fifty-six.

Mr. Gwin received forty votes.
Mr. Broderick received twelve votes.
Mr. Edwards received thirty-three votes.
Mr. McCorkle received eighteen votes.
Mr. McDougal received one vote.
Mr. Wood received one vote.
Mr. Peyton received one vote.

Mr. Howard received one vote.
 Mr. Colburn received one vote.
 Mr. Sprague received one vote.
 Mr. Upson received one vote.

Mr. Rodgers moved that the Convention adjourn till to-morrow at 12 o'clock
 M.

Agreed to.

The Senate withdrew.

The Assembly in session.

Mr. Ryland moved to adjourn until 4 o'clock, P. M.

Lost.

Mr. Johnston, of San Francisco, moved to adjourn until 6 o'clock, P. M.

Lost.

Mr. Hosmer moved to adjourn until half past 6 o'clock, P. M.

Lost.

Mr. Farwell moved to adjourn until 9 o'clock, A. M., to-morrow.

Lost.

Mr. Buffum moved to adjourn until to-morrow, 10 o'clock, A. M.

So the House, at ten minutes before 2 o'clock, P. M., adjourned.

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IN ASSEMBLY.

FRIDAY, January 19, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Mr. Wheeler.

Roll called and the following members were absent:

Messrs. Brown of Nevada, Cunningham of Sierra, Knox, Lincoln, Oxley,
 Smith of El Dorado, Smith of Marin, Taliaferro and Vineyard.

On motion, leave of absence was granted to Mr. Cunningham, of El Dorado,
 for one day.

The Journal of yesterday was read, amended and approved.

Mr. Watkins presented a petition from the inhabitants of Union City, Alva-
 rado and vicinity, praying so to amend the Act declaring streams navigable, as
 to make the River Alameda navigable not higher than the tenth Street in
 Union City.

Read and referred to the Committee on Internal Improvements.

Mr. Geller presented a petition of members of the bar, praying for a division of the Tenth Judicial District.

Read and referred to the Judiciary Committee.

A communication was received from the Rector, Wardens and Vestry of Grace Church, asking the use of the Hall on Sundays for religious purposes.

Read and referred to the Committee on Public Buildings and Grounds.

Assembly bill No. 41, An Act entitled an Act to provide for the Revision of the Statutes of this State.

Read second time and referred to the Judiciary Committee.

Senate bill No. 43, An Act to authorize the Governor of this State to appoint Commissioners to the World's Industrial Exhibition to be holden at Paris in the year 1855.

Read second time and referred to the Committee on Federal Relations.

Mr. Graves presented a bill for an Act providing for the taking of the Census of the State of California for the year 1855.

Read first time.

Mr. Stevenson presented a bill for an Act providing for taking the Second Census of the State of California.

Read first time.

Mr. Buffum presented a bill for an Act to change the name of John Joseph Murphy to John Joseph Clinton.

Read first time.

Mr. Phelps gave notice of a bill for an Act to carry into effect the Second Section of the Promiscuous Provisions of the Constitution of this State.

Mr. McCutchan gave notice of a bill for an Act providing for the Indigent Sick of this State.

Mr. Meredith, from the Committee on Enrolled Bills, made the following report:

Mr. Speaker:

The Committee on Enrolled Bills have examined and find correctly enrolled the following Act, viz:

An Act to change the name of the South Yuba Mining and Sacramento Canal Company to Nevada County and Sacramento Canal Company.

H. B. MEREDITH,
Chairman.

Mr. Moreland, from the Committee on Engrossment, made the following report:

Mr. Speaker:

The Committee on Engrossment have examined and find correctly engrossed an Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Shasta.

Also, an Act to repeal an Act concerning County Judges, passed April 4, 1854, so far as the same extends to San Luis Obispo County.

THOS. MORELAND,
Chairman.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate yesterday passed joint resolution concerning the claim of G. W. Keeler and L. G. Chapman against the United States for property purchased by Indian Commissioners for use of Indians.

Also, that they passed a concurrent resolution directing the appointment of a Select Committee of three from each House to provide Committee Rooms, and that the Senate have appointed Messrs. Keene, Tuttle and Moore as such Committee on the part of the Senate.

WM. A. CORNWALL,
Secretary of Senate.

The Senate resolution relative to appointing a Committee of three to provide Committee Rooms for the use of the Standing Committees, was concurred in, and

Messrs. Stevenson, Douglas and Taliaferro were appointed on the part of the House.

Joint resolution No. 32, concerning the claim of G. W. Keeler and L. G. Chapman against the United States for property purchased by Indian Commissioners for use of Indians.

Read first time.

Mr. Edwards presented a resolution relative to permitting the First Presbyterian Church of Sacramento City to use the Assembly Hall for Divine worship.

Read first time and referred to the Committee on Public Buildings and Grounds.

Mr. Amyx offered the following resolution:

Resolved, That the resolution adopted by this House on the — day of January, 1855, inviting the resident Clergy of Sacramento to officiate alternately as Chaplains to this Assembly, be rescinded, and that the Rev. O. C. Wheeler be accepted and appointed as the Chaplain of this Assembly.

The resolution was laid on the table.

Mr. Edwards offered the following resolution:

Resolved, That the Committee on Ways and Means be, and they are hereby, instructed to report to this House, at as early a day as practicable, a bill to provide for the Funding of the Civil Indebtedness of this State, evidenced by Controller's Warrants now outstanding or which shall be hereafter issued prior to the first day of July, A. D., 1855.

The resolution was adopted.

Mr. Stevenson made the following report:

Mr. Speaker:

The El Dorado Delegation, to whom was referred the bill to change the name of Francis Sophia Bowen to that of Francis Sophia Burgess, and that of her

infant son, Charles French Bowen, to that of Charles French Burgess, beg leave to make the following report:

We find upon examination that a divorce was granted her the September term of the District Court of El Dorado County; also, decree giving her the sole care, custody and control of her said son, Charles F., until he arrives at the age of twenty-one years.

The fact that the decree was pronounced by the Hon. Jno. M. Howell we conclude amply sufficient to convince of the justice of her cause, and recommend the passage of the bill.

WM. McCONNELL,
E. BOGARDUS,
J. C. JOHNSON,
N. T. SMITH,
J. L. BOLES,
THERON FOSTER,
E. A. STEVENSON.

Assembly bill No. 39, An Act to change the name of Francis Sophia Bowen to that of Francis Sophia Burgess, and that of her infant son Charles French Bowen, to that of Charles French Burgess.

Read third time and passed.

The unfinished business, being the Contested Election case,

Mr Ford was brought to the stand.

Mr. McCutchan moved that the whole official vote be read from the papers presented.

Agreed to.

Mr. Farwell presented the following resolution:

Resolved, That the majority report of the Committee on Elections upon the case now pending before this House, wherein Samuel McCurdy is contestant for the seat of E. R. Galvin, be adopted.

Mr. Buffum moved the following substitute:

Resolved, That the seat in this Assembly now occupied by Mr. Galvin from the County of Tuolumne be, and the same is hereby declared vacant, and that the Governor of this State be requested to issue a proclamation for an election to be held in the said County of Tuolumne to fill said vacancies as soon hereafter as the laws permit.

Mr. Arrington moved the previous question.

On motion of Mr. Flournoy, the House took a recess for fifteen minutes.

House re-assembled.

The Clerk, by order of the Speaker, informed the Senate that the Assembly was ready to meet them in Joint Convention.

The Sergeant-at-Arms announced the President and members of the Senate.

IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the balloting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. Crenshaw, Day, De La Guerra, Mahoney and Hook were absent. House roll called.

Absentees—Messrs. Baker, Cunningham of El Dorado and Vineyard.

The President laid before the Convention the following communication:

SACRAMENTO CITY, January 19, 1855.

Mr. President :

I desire you to state to the Joint Convention, assembled for the purpose of electing a United States Senator, that I am prevented from attending its sessions by severe indisposition, and that if present I would vote for Wm. M. Gwin every time.

Yours, respectfully,

W. F. CUNNINGHAM,
Of El Dorado.

Messrs. Foster, Stevenson and Johnston.

Mr. May submitted the following:

Resolved, That when the Convention adjourns it do so to meet on next Tuesday at 12 o'clock, M.

Messrs. Mandeville, French and Johnston, of San Francisco, demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Ashley, Brown of Nevada, Cory, Edwards, Farwell, Ferrell, Flournoy, Ferguson, Galvin, Gaver, Geller, Hosmer, Hunt, Mellus, Meredith, Moreland, Oxley, Rodgers, Stewart, Taliaferro and Taylor—22.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Adkison, Baker, Bates, Beatty, Bogardus, Boles,

Brewton, Brown of Contra Costa, Buffum, Burke, Cammet, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Farley, Foster, Gaylord, Gober, Graves, Gragg, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, McConnell, Murdock, Palmer, Phelps, Quinn, Rowe, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Updegraff, Vineyard, Watkins, Waite, Wells, Whitney and Mr. Speaker—57.

The Convention then proceeded to take the tenth ballot for United States Senator.

Those who voted for Mr. D. C. Broderick were—Messrs. Colby, Hall, Lippincott, Moore, Sprague and Whiting of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Burke, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Philip L. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Mr. Ferrell, of the Assembly.

Those who voted for Mr. McCorkle, were—Messrs. Flint, May, Rust, Stebbins and Tuttle of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Galvin, Gaver, Geller, Jones, Rodgers, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Mr. Brown of Nevada, of the Assembly, voted for Mr. Herbert.

Mr. Buffum, of the Assembly, voted for P. B. Reading.

Mr. Doughty, of the Assembly, voted for W. C. Ferrell.

Mr. Edwards, of the Assembly, voted for Mr. Soule.

Mr. Phelps, of the Assembly, voted for J. W. Coffroth.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Broderick received eleven votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-six votes.

Mr. McDougal received two votes.

Mr. McCorkle received seventeen votes
 Mr. Soule received one vote.
 Mr. Reading received one vote.
 Mr. Ferrell received one vote.
 Mr. Coffroth received one vote.
 Mr. Herbert received one vote.

No election.

Mr. Johnston, of the Assembly, submitted the following:

Whereas, Mr. Cunningham, of El Dorado, a member of the Assembly of this State, is prevented by sickness from attendance at this Convention; *and, whereas*, that gentleman has designated in a written communication addressed to the members of this body, the name of the candidate for whom his vote would be cast in the pending Senatorial Election, if he were present; therefore,

Resolved, That the Clerk of the Assembly be instructed to enter upon the record after each roll call, that "Mr. Cunningham, of El Dorado, is absent from his place in this Convention on account of sickness, and, if present, would have voted for Wm. M. Gwin."

Mr. Douglas moved that the resolution be laid upon the table.

Upon which Messrs. Johnston, Douglas and Moreland demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Heintzelman, Mandeville, Stebbins and Tuttle, of the Senate, and Messrs. Adkison, Bates, Burke, Cory, Douglas, Ferrell, Ferguson, Gaver, Graves, Moreland, Murdock, Oxley, Rowe, Taliaferro and Watkins, of the Assembly—19.

Those who voted in the negative were—

NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Hook, Keene, Kendall, Lippincott, May, McCoun, McFarland, McGarry, McNeil, Moore, Norman, Peck, Rust, Scellen, Sprague and Whiting, of the Senate, and

Messrs. Andrews, Amyx, Arrington, Ashley, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Cammet, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Curtis, Dana, Doughty, Farley, Flournoy, Foster, Galvin, Gaylord, Geller, Gober, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, McConnell, Mellus, Meredith, Palmer, Phelps, Quinn, Rodgers, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taylor, Updegraff, Vineyard, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—88.

So the motion was lost.

The resolution was then withdrawn.

Mr. Whiting moved to rescind the resolution of yesterday in regard to receiving the vote of Mr. Mahoney, and that the communications of Mr. Mahoney and Cunningham, of El Dorado, be entered upon the Journal.

No person having received a majority of all the votes cast, the Convention then proceeded to take the eleventh ballot.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and
Messrs. Chase, Covarrubias, Geller, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Galvin, Gaver, Jones, Rodgers, Ryland, Stewart and Wells of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Mr. Brown of Nevada, of the Assembly, voted for Mr. Herbert.

Mr. Buffum, of the Assembly, voted for P. B. Reading.

Mr. Edwards, of the Assembly, voted for Col. Ferrell.

Mr. Ferrell, of the Assembly, voted for M. S. Latham.

Mr. Phelps, of the Assembly, voted for J. W. Coffroth.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-eight votes.

Mr. Edwards received thirty-nine votes.

Mr. McCorkle received fifteen votes.

Mr. McDougal received one vote.

Mr. Herbert received one vote.

Mr. Reading received one vote.

Mr. Ferrell received one vote.

Mr. Latham received one vote.

Mr. Coffroth received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the twelfth ballot.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Buffum, Chase, Covarrubias, Geller, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Tahaferro, Vineyard and Watkins of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. James A. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Galvin and Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Canmet, Flournoy, Gaver, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Mr. Doughty, of the Assembly, voted for W. C. Ferrell.

Mr. Edwards, of the Assembly, voted for W. C. Martin.

Mr. Ferrell, of the Assembly, voted for M. S. Latham.

Mr. Phelps, of the Assembly, voted for Sherman Day.

Whole number of votes cast, one hundred and nine.

Necessary to a choice, fifty-five.

Mr. Broderick received thirteen votes.

Mr. Gwin received forty votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received thirteen votes.

Mr. McDougal received three votes.

Mr. Ferrell received one vote.

Mr. Martin received one vote.

Mr. Latham received one vote.

Mr. S. Day received one vote.

No election.

Mr. Farley moved to adjourn until 12 o'clock, M., to-morrow.

Messrs. French, Johnston and Mandeville demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Hall, Hawks, May, McCoun, McGarry, Peck, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Arrington, Ashley, Adkison, Cory, Clayton, Curtis, Douglas, Farley, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Sherrard, Smith of Marin, and Waite, of the Assembly—33.

Those who voted in the negative were—

NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, McFarland, McNeil, Moore, Norman, Scellen, Sprague and Whiting, of the Senate, and

Messrs. Andrews, Amyx, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Chase, Coombs, Cook, Covarrubias, Cunningham of Sierra, Dana, Doughty, Ferrell, Foster, Galvin, Gober, Graves, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, McCutchan, McConnell, Palmer, Quinn, Rodgers, Rowe, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Taliaferro, Updegraff, Vineyard, Watkins, Wells, Whitney and Mr. Speaker, of the Assembly—73.

Mr. Colby presented the following:

Resolved, That during the future sittings of this Convention the ayes and noes shall not be called unless the call for the same be seconded by a majority of the members rising and remaining until counted.

On motion of Mr. Beatty, it was laid upon the table.

The Convention then proceed to take the thirteenth ballot.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Geller, Hunt, Knox and Sherrard, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and,

Messrs. Buffum, Galvin and Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Gaver, Jones, Rodgers, Stewart and Wells, of the Assembly.

Messrs. Doughty and Ferrell, of the Assembly, voted for M. S. Latham.

Mr. Edwards, of the Assembly, voted for Col. Ferrell.

Mr. Phelps, of the Assembly, voted for Sherman Day.

Whole number of votes cast, one hundred and eight.
Necessary to a choice, fifty-five.

Mr. Broderick received thirteen votes.

Mr. Gwin received forty votes

Mr. Edwards received thirty-five votes.

Mr. McCorkle received twelve votes.

Mr. McDougal received four votes.

Mr. Latham received two votes.

Mr. Ferrell received one vote.

Mr. Day received one vote.

No election.

Mr. Updegraff moved to adjourn.

Messrs. French, Leake and Amyx demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Burton, Crenshaw, Flint, Hall, Hawks, Hawthorne, Lippincott, May, McCoun, McFarland, McGarry, Peck, Rust, Scellen, Sprague, Stebbins, Tuttle and Whiting, of the Senate, and

Messrs. Amyx, Arrington, Adkison, Brown of Contra Costa, Burke, Cory, Chase, Coombs, Covarrubias, Dana, Douglas, Doughty, Edwards, Ferguson, Gaver, Geller, Gober, Graves, Hosmer, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Rodgers, Sherrard, Smith of Marin, Stewart, Updegraff, Wells, Whitney and Mr. Speaker, of the Assembly
—48.

Those who voted in the negative were—

NOES.

Messrs. Colby, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, Moore and Norman, of the Senate, and

Messrs. Andrews, Ashley, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Cammet, Clayton, Cook, Curtis, Farley, Farwell, Ferrell, Foster, Galvin, Gaylord, Gragg, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, McCutchan, McConnell, Quinn, Rowe, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Taliaferro, Taylor, Vineyard, Watkins and Waite, of the Assembly—57.

Lost.

Mr. Rowe offered the following:

Resolved, That when this Convention adjourn it adjourn *sine die*.

Mr. Mandeville moved to lay the resolution on the table.

Agreed to.

Mr. Day submitted the following:

Resolved, That whenever any Senator or Member of the Assembly may be prevented by sickness, or other unavoidable cause, from attending the sittings of the Joint Convention, such absent Senator or member of the Assembly may communicate his preference for United States Senator by letter, which letter shall be entered upon the Journals of the Convention, but such expression of preference shall not be counted as a valid vote.

Laid upon the table.

Mr. Updegraff moved that the Convention adjourn till to-morrow at 12 o'clock M.

Messrs. French, Mandeville and Johnston demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Burton, Crenshaw, Flint, Hall, Hawks, Hawthorne, Lippincott, May, McCoun, McFarland, McGarry, Peck, Rust, Scellen, Sprague, Stebbins, Tuttle and Whiting, of the Senate, and

Messrs. Andrews, Amyx, Arrington, Adkison, Brown of Contra Costa, Cory, Doughty, Farley, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Graves, Gragg, Hosmer, Jones, Keys, Knox, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Ryland, Sherrard, Updegraff and Mr. Speaker, of the Assembly—49.

Those who voted in the negative were—

NOES.

Messrs. Colby, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, Moore and Norman, of the Senate, and

Messrs. Ashley, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Ferrell, Foster, Galvin, Gober,

Hunt, Johnson of El Dorado, Johnston of San Francisco, Kinney, Lincoln, McCutchan, McConnell, Quinn, Rodgers, Rowe, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Watkins, Wells and Whitney, of the Assembly—51.

The motion was lost.

The Convention then proceeded to take the fourteenth ballot.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lipincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Geller, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McNeil, Norman and Stebbins, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Buffum and Galvin, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flounoy, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Messrs. Doughty, Ferrell and Gaver, of the Assembly, voted for Mr. Latham. Mr. Edwards, of the Assembly, voted for E. Stanley.

Messrs. Phelps and Ryland, of the Assembly, voted for Sherman Day.

Whole number of votes cast, one hundred and nine.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received forty-two votes.

Mr. Edwards received thirty-five votes.

Mr. McCorkle received eleven votes.

Mr. McDougal received three votes.

Mr. Latham received three votes.

Mr. Stanley received one vote.

Mr. Day received two votes.

No person having received a majority of all the votes cast, the Convention then proceeded to take the fifteenth ballot.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Buffum, Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Galvin and Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins, and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Gaver, Gaylord, Geller, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Mr. Burke, of the Assembly, voted for Capt. Sutter.

Messrs. Doughty and Ferrell, of the Assembly, voted for Mr. Latham.

Mr. Edwards, of the Assembly, voted for Ed. Trask, of Trinity.

Mr. Phelps, of the Assembly, voted for Sherman Day.

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-four.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-three votes.

Mr. McCorkle received fourteen votes.

Mr. McDougal received three votes.

Mr. Latham received two votes.

Mr. Ed. Trask received one vote.

Capt. Sutter received one vote.

Mr. Day received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the sixteenth ballot.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Geller, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McGarry and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Sherrard, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Buffum, Galvin and Phelps, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Gaver, Jones, Rodgers, Ryland, Stewart and Wells, of the Assembly.

Mr. Burke, of the Assembly, voted for Capt. Sutter.

Messrs. Doughty and Ferrell, of the Assembly, voted for M. S. Latham.

Mr. Edwards, of the Assembly, voted for J. M. Howell.

Whole number of votes cast, one hundred and five.

Necessary to a choice, fifty-three.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-four votes.

Mr. McCorkle received twelve votes.

Mr. McDougal received four votes.

Mr. Latham received two votes.

Mr. Howell received one vote.

Capt. Sutter received one vote.

No election.

On motion of Mr. Oxley, the Convention adjourned till to-morrow at 12 o'clock.

The Senate withdrew.

Mr. Farwell moved to adjourn until 6 o'clock, P. M.

Lost.

On motion, the House adjourned until to-morrow, 10 o'clock A. M.

[NOTE BY THE STATE PRINTER.—Where the report of the proceedings of the Joint Convention varies from the report made by the Secretary of the Senate both Journals have been submitted to the Secretary and Clerk for their revision. In all cases the copy has been strictly followed.]

IN ASSEMBLY.

SATURDAY, January 20, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Mr. Wheeler.

Roll called and the following members were absent:

Messrs. Arrington, Brown of Contra Costa, Brown of Nevada, Clayton, Covarrubias, Ferrell, Geller, Johnston of San Francisco, Jones, Stevenson and Stewart.

The Journal of yesterday was read, amended and approved.

Senate joint resolution No. 32, concerning the claims of G. W. Keeler and L. G. Chapman against the United States for property purchased by the Indian Commissioners for use of Indians.

Read second time and referred to Committee on Indian Affairs.

Assembly bill No. 45, An Act to change the name of John Joseph Murphy to John Joseph Clinton.

Read second time and referred to the San Francisco Delegation.

Assembly bill No. 46, An Act providing for the taking of the Census of the State of California for the year 1855.

Read second time and referred to the Select Committee previously appointed.

Assembly bill No. 47, An Act providing for taking the second Census of the State of California.

Read second time and referred to Select Committee.

Mr. Burke introduced a bill for an Act authorizing J. Buckhalter to build and construct a Wagon Road from Corbitt's Inn to Cow and Calf Ranch in the County of Mariposa.

Read first time.

Mr. Watkins introduced a bill for an Act to declare the Head of Navigation on Alameda River.

Read first time.

Mr. Graves introduced a bill for an Act to fix the times for holding the Terms of the District Court of the Second Judicial District of this State.

Read first time.

Mr. Adkison introduced a bill for an Act to define the method of acquiring Rights to divert Water from Mining or other purposes in the Mineral Districts of this State.

Read first time and ordered printed.

Mr. Bates introduced a bill for an Act to render Sheriffs Ineligible for two terms in succession.

Read first time.

Mr. Graves gave notice of a bill for an Act to amend the ninth section of an Act concerning Sheriffs, passed April 29, 1851.

Also, an Act creating a Board of Commissioners to regulate Water Courses in certain Counties, passed May 15, 1854.

Mr. Curtis gave notice of a bill to reduce and regulate the Fees of the several County Officers throughout the State.

Mr. Moreland made the following report:

Mr. Speaker:

The Committee on Engrossment have examined and find correctly engrossed an Act to change the name of Francis Sophia Bowen to that of Francis Sophia Burgess, and that of her infant son, Charles French Bowen, to that of Charles French Burgess.

THOS. MORELAND,
Chairman.

Mr. Kinney introduced the following resolution:

Resolved, That the Sergeant-at-Arms be requested to report to this House what arrangements he has made with the Post Office and the Express Offices for the transmission of the mail matter of the members to the different counties in the State.

Adopted.

Mr. Douglas presented the following resolution:

Resolved, That three thousand copies of the Report of the Superintendent of Common Schools be printed.

Laid over one day under the Rules.

Mr. Amyx moved to take from the table the resolution relative to a Chaplain.
Not agreed to.

The unfinished business of yesterday, being the election case, *McCurdy vs. Galvin*, it was taken up.

Upon the previous question, Messrs. Stevenson, Johnson of El Dorado and Bogardus demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cammet, Cory, Covarrubias, Curtis, Dana, Douglas, Edwards, Farwell, Ferguson, Gaylord, Gragg, Hosmer, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Waite, Whitney and Mr. Speaker—29.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Ashley, Baker, Beatty, Bogardus, Boles, Brewton, Buffum, Burke, Clayton, Coombs, Cook, Cunningham of Sierra, Doughty, Farley, Ferrell, Flournoy, Foster, Gaver, Geller, Gober, Graves, Johnson of El Dorado, Jones, Keys, Kinney, McCutchan, McConnell, Palmer, Quinn, Ryland, Stevens,

Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Updegraff, Vineyard, Watkins and Wells—42.

Motion lost.

Upon an inquiry, the Speaker decided that the loss of the previous question did not postpone the whole subject matter until to-morrow.

Mr. Kinney appealed from the decision of the Chair.

The decision of the Chair was sustained.

On the adoption of Mr. Buffum's resolution relative to referring the contested case to the people of Tuolumne County,

Messrs. Kinney, Mellus and Baker demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Buffum, Chase, Clayton, Coombs, Cunningham of Sierra, Doughty, Ferrell, Foster, Geller, Graves, Johnson of El Dorado, Jones, Keys, Kinney, McCutchan, McConnell, Murdock, Palmer, Quinn, Rowe, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins and Wells—38.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Brown of Contra Costa, Brown of Nevada, Burke, Cammet, Cory, Cook, Covarrubias, Curtis, Dana, Douglas, Edwards, Farley, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Gober, Gragg, Hosmer, Hunt, Knox, Lincoln, Mellus, Meredith, Moreland, Oxley, Phelps, Stewart, Updegraff, Waite, Whitney and Mr. Speaker—37.

Agreed to and the resolution adopted.

Mr. Johnston, of San Francisco, moved a recess for fifteen minutes.

Agreed to.

House re-assembled.

The Clerk informed the Senate that the Assembly was ready to receive them in Joint Convention.

The Sergeant-at-Arms announced the President and Senate.

IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the balloting for
a United States Senator.

The President of the Senate in the chair.

Roll was called.

Those that were absent were Messrs. De La Guerra and Whiting, of the
Senate, and

Messrs. Foster and Ryland, of the Assembly.

The Convention then proceed to take the seventeenth vote.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove,
Heintzelman, Hook, Keene, Kendall, Leake, Maudeville, May, McNeil and
Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada,
Burke, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado,
Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn,
Gragg, Hosmer, Keyes, Singley, Smith of El Dorado, Smith of Marin, Talia-
ferro, Vineyard and Watkins of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippin-
cott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Buffum, Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne,
McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa,
Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober,
Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley,
Rowe, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins
and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Ryland,
Sherrard, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Messrs. Doughty, Ferrell and Graves, of the Assembly, voted for M. S.
Latham.

Mr. Phelps, of the Assembly, voted for J. W. Coffroth.

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-four.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-five votes.

Mr. McCorkle received fifteen votes.

Mr. Latham received three votes.

Mr. McDougal received one vote.

Mr. Coffroth received one vote.

Mr. Day moved that the Convention adjourn until Tuesday next, the 23d inst., at 12 o'clock.

Upon which the ayes and noes were demanded, with the following result:

AYES.

Messrs. Burton, Day, Flint, Hall, Hawks, Hawthorne, Lippincott, May, McCoun, McFarland, McGarry, McNeil, Moore, Peck, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Burke, Cammet, Chase, Coombs, Covarrubias, Curtis, Dana, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Geller, Graves, Hosmer, Hunt, Jones, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Stewart, Updegraff, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—64.

NOES.

Messrs. Colby, Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Lenke, Mandeville, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Cory, Cook, Cunningham of Sierra, Douglas, Foster, Gaylord, Gober, Gragg, Johnson of El Dorado, Johnston of San Francisco, Keys, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Taylor, Vineyard and Watkins, of the Assembly—43

So the Convention adjourned.

The Speaker called the House to order.

Mr. Meredith made the following report:

Mr. Speaker :

The Committee on Enrolled Bills have this day presented to Gov. Bigler, for his approval, the following Acts, viz :

An Act to change the name of the South Yuba Mining and Sacramento Canal Company to Nevada County and Sacramento Canal Company.

Also, an Act requiring the Controller to Audit certain Bills of the Members and Officers of the present Legislature.

H. B. MEREDITH,
Chairman.

Mr. Farley introduced the following resolution:

Resolved, That the Sergeant-at-Arms be directed to certify to the mileage and per diem of Mr. McCurdy, the contestant to the seat to-day declared vacant.

Adopted.

On motion of Mr. Watkins, the House adjourned until Monday, 11 o'clock, A. M.

IN ASSEMBLY.

MONDAY, January 22, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Wheeler.

Roll called.

On motion all absentees had leave of absence one day.

Journal of 20th inst. read and approved.

Assembly bill No. 52, An Act to define the method of acquiring Rights to divert Water for Mining or other purposes in the Mineral Districts of this State.

Read second time and referred to Committee on Mines and Mining Interests, and 240 additional copies ordered printed.

Assembly bill No. 48, An Act to fix the times of holding the Terms of the District Court of the Second Judicial District of this State.

Read second time and referred to Santa Barabara and San Luis Obispo Delegations.

Assembly bill No. 49, An Act to declare the Head of Navigation on Alameda River.

Read second time and referred to Committee on Internal Improvements.

Assembly bill No. 50, An Act to render Sheriffs Ineligible for Two Terms in succession.

Read second time and referred to the Committee on Elections.

Assembly bill No. 51, An Act authorizing J. Burckhalter to build and conduct a Wagon Road from Corbitt's Inn to the Cow and Calf Rancho in the County of Mariposa.

Read second time and referred to Committee on Roads and Highways.

Mr. Brewton introduced a bill for an Act to create a Board of Supervisors for the County of Sacramento, and to define its Duties and Powers.

Read first and second time.

Mr. Palmer introduced a bill for an Act to prohibit Lotteries, Gift Enterprises and other schemes of like character.

Read first time.

Mr. Stevenson gave notice of a bill repealing an Act entitled an Act concerning Roads and Highways, passed April 11, 1850, so far as said Act relates to the County of El Dorado.

Mr. Farwell gave notice of a bill for an Act to fix the Sessions of the Supreme Court at the Cities of Sacramento and San Francisco.

Mr. Baker gave notice of a bill for an Act to Suppress Gambling.

Mr. Edwards, from the Committee on Judiciary, made the following report :

Mr. Speaker:

The Committee on Judiciary report that they recommend the passage of the Assembly bill, numbered eleven, entitled an Act to fix the times for holding the County Court, Probate Court and Court of Sessions of the County of Santa Clara.

Respectfully submitted,

P. L. EDWARDS,
Chairman.

Assembly bill No. 11, An Act to fix the times for holding the County Courts, Probate Court and Court of Sessions in the County of Santa Clara.

Reported back, amended, read third time and passed.

Mr. Ryland, from the Committee on Internal Improvements, made the following report:

Mr. Speaker:

Your Committee to whom was referred a bill for an Act to authorize John M. Horner, John Travis, A. M. Church, Joseph Coombs, William Horner, William Morrison, and others, to construct a Lock on Alameda River in Alameda County, have had the same under consideration and have thought best, after due consultation, to report back a substitute, embodying substantially the original bill with a few amendments and additions, and recommend its passage.

C. T. RYLAND,
Chairman.

Assembly bill No. 30, An Act to improve the Navigation of Alameda River.

Reported back with substitute, which was adopted.

Read third time and passed.

Mr. Palmer, from the Delegations of Amador and Calaveras Counties, to whom were referred the petition from Commissioners of said counties, report the following bill and recommend its passage:

A bill for an Act for the ascertainment of the Debt of Calaveras County and the Apportionment of the same.

Read first time.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate yesterday passed Senate bill No. 15, entitled an Act to change the name of Caroline L. Ketchum to that of Caroline L. Pixley.

WM. A. CORNWALL,
Secretary of Senate.

Senate bill No. 15, An Act to change the name of Caroline L. Ketchum to that of Caroline L. Pixley.

Read first and second time and referred to Mr. Johnson of El Dorado.

The following message was received from the Senate:

Mr. Speaker :

I am directed to inform the Assembly that the Senate, Saturday last, passed a substitute to Assembly bill No. 26, entitled an Act to amend the forty-seventh section of an Act entitled an Act concerning Officers, passed April 28, 1851, in which the concurrence of the Assembly is respectfully requested.

Also, that they passed Senate bill No. 18, entitled an Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several Counties of this State, passed April 11, 1850, passed May 13, 1854.

Also, that they passed Senate bill No. 17, entitled an Act to Fund the Debt of Contra Costa County and to provide for the payment of the same.

Also, that they have this day passed Senate bill No. 23, entitled an Act to repeal an Act entitled an Act to amend an Act concerning the per diem of Officers of the Senate and Assembly, passed January 21, 1854, passed May 15, 1854, and to re-instate and re-enact an Act entitled an Act concerning the per diem of Officers of the Senate and Assembly, passed February 4, 1854.

WM. A. CORNWALL,
Secretary of Senate.

Senate bill No. 17, An Act to Fund the Debt of Contra Costa County and to provide for the payment of the same.

Read first time.

Senate bill, substitute to Assembly bill No. 26, An Act to amend the forty-seventh section of an Act entitled an Act concerning Officers, passed April 28, 1851.

Read first time.

Senate bill No. 18, An Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several Counties of this State, passed April 11, 1850, passed May 13, 1854.

Ordered to be sent back to the Senate for want of engrossment.

Senate bill No. 23, An Act to repeal an Act entitled an Act to amend an Act concerning the per diem of Officers of the Senate and Assembly, passed January 21, 1854, passed May 15, 1854, and to re-instate and re-enact an Act entitled an Act concerning the per diem of Officers of the Senate and Assembly, passed February 4, 1854.

Read first and second time, and referred to the Committee on Ways and Means.

Mr. Douglas moved that the following resolution be taken up:

Resolved, That three thousand copies of the report of the Superintendent of Common Schools be printed for the use of the House.

The resolution was adopted.

Mr. Knox presented the following:

Resolved, That a Committee of three from the Standing Committee on Hospitals be appointed by the Speaker to act as a Concurrent Committee with the Senate to visit and examine into the condition of the State Hospitals of San Francisco and Stockton.

Adopted.

Messrs. Knox, Oxley and Jones were appointed the Committee.

Mr. Oxley submitted the following resolution :

Resolved, That the vote referring bill — in relation to the election of Sheriffs to the Committee on Elections, be re-considered.

Laid on the table.

Mr. Johnson, of El Dorado, reported back the bill in relation to changing the name of Caroline L. Ketchum to that of Caroline L. Pixley.

Senate bill No. 15, An Act to change the name of Caroline L. Ketchum to that of Caroline L. Pixley.

Read a third time and passed.

A communication was received from Blanton McAlpin, Sergeant-at-Arms, in relation to the arrangements he had made with the Post Office and Express Companies in regard to mail matter for the convenience of the Assembly.

Mr. Amyx gave notice of a bill amendatory and supplemental to the Fifth and Fourteenth Sections of an Act to establish an Asylum for the Insane of the State of California, passed May 17, 1853.

On motion of Mr. Murdock, at quarter after 12 o'clock, P. M., the House adjourned.

IN ASSEMBLY.

TUESDAY, January 23, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Mr. Wheeler.

Roll was called.

Mr. Brown, of Nevada, was absent.

The Journal of yesterday was read and approved.

Assembly bill No. 54, An Act to prohibit Lotteries, Gift Enterprises and other schemes of a like character.

Read second time and referred to the Committee on Vice and Immorality.

Assembly bill No. 26, An Act to amend the Forty-Seventh Section of an Act entitled an Act concerning Officers, passed April 28, 1851.

Read second time and referred to the Judiciary Committee.

Assembly bill No. 55, An Act to create a Board of Supervisors for the County of Sacramento and to define its Duties and Powers.

Read second time.

Assembly bill No. 56, An Act for the ascertainment of the Debts of Calaveras County and the Apportionment of the same.

Read second time and referred to the Committee on Counties and County Boundaries.

Senate bill No. 17, a bill for an Act to Fund the Debt of Contra Costa County, and to provide for the payment of the same.

Read second time and referred to the Committee on Counties and County Boundaries.

Mr. Arrington introduced a bill for an Act to Fund the Debts of the County of Klamath and to provide for the payment of the same.

Read first and second time and referred to Klamath, Siskiyou, Trinity and Humboldt Delegations.

Mr. Taylor, on leave, introduced a bill for an Act to amend the Act concerning the Courts of Justice of this State and Judiciary Officers, passed May 19, 1853.

Read first time.

Mr. Gober introduced a bill for an Act to prevent all Animals from trespassing on Private Property.

Read first and second time and referred to the Committee on Agriculture.

Mr. Farwell introduced a bill for an Act to fix the Sessions of the Supreme Court at the Cities of Sacramento and San Francisco.

Read first time.

Mr. Curtis introduced a bill for an Act to create the Thirteenth Judicial District out of Humboldt and Klamath Counties.

Read first time.

Mr. Gober introduced a bill for an Act to prohibit the sale and manufacture of Spirituous and Intoxicating Liquors.

Mr. Amyx moved to print 1000 copies.

Laid over under the Rules.

Mr. Curtis gave notice of a bill for an Act to authorize the Court of Sessions of the County of Siskiyou to levy and collect a Special Tax for the support and maintenance of the Indigent Sick of that County.

Mr. Rowe gave notice of a bill for an Act to construct a Wagon Road from Shasta County to the Town of Weaverville, Trinity County; also, from Weaverville to Siskiyou County.

Mr. Edwards, from the Judiciary Committee, made the following report:

Mr. Speaker :

The Committee on the Judiciary report that they have considered the Assembly bill No. 42, entitled an Act to create a Board of Supervisors for Alameda County, and recommend the passage of the same with the several amendments thereto attached and herewith reported.

P. L. EDWARDS,
Chairman.

Assembly bill above reported.

The amendments of the Committee adopted and ordered engrossed for a third reading.

Mr. Douglas, from the Committee of Ways and Means, made the following report:

Mr. Speaker:

The Committee of Ways and Means to whom was referred Senate bill No. 4, report it back and recommend the amendments attached, and after their adoption ask its passage.

DOUGLAS,
Chairman.

Senate bill No. 4, an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative Expenses of this State accruing from the first day of February, A. D., 1854, to the first day of February, A. D., 1855.

Referred to the Committee of the Whole and made the special order for tomorrow, 11½ o'clock, A. M.

Mr. Keys, from the Committee on Mileage, made the following report:

Mr. Speaker:

The Committee on Mileage recommend that the report on mileage be so amended as to allow Mr. Curtis, of Siskiyou, one thousand miles instead of six hundred, and that he be allowed four hundred dollars, instead of two hundred and forty.

T. J. KEYS,
Chairman.

The report was adopted.

Mr. Edwards, from the Sacramento Delegation, made the following report:

Mr. Speaker:

The Sacramento Delegation to whom was referred the Assembly bill numbered 27, entitled an Act to provide for the payment of the Salary of the County Judge of Sacramento County, have had the same under consideration and report that they recommend its passage without amendment.

P. L. EDWARDS,
J. R. VINEYARD,
J. G. BREWTON,
H. B. MEREDITH.

The bill referred to above, was considered as engrossed, read third time and passed.

Mr. Stevenson, from the Joint Committee to select and provide Rooms for the House, made the following report:

Mr. Speaker :

The Joint Committee appointed to select and provide Rooms for the several Committees of this House, beg leave to report that they have procured a room in Read's building at a rental of \$40 per month, and have appropriated it to the use of the following Committees, viz :

Ways and Means, Public Lands, Claims, Agriculture, and Military Affairs.

And the Committee further report that they are prepared to furnish rooms to other Committees on being applied to by the Chairmen.

ED. STEVENSON,
D. DOUGLAS.

Mr. Arrington moved that the House take a recess for fifteen minutes to prepare for the Joint Convention.

Agreed to.

House re-assembled.

The Clerk informed the Senate that the Assembly was ready to meet them in Joint Convention.

The Sergeant-at-Arms announced the President and Senate.

IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Roll was called.

Mr. De La Guerra, of the Senate, and

Messrs. Brown of Nevada, Cunningham of El Dorado, and Edwards were absent.

The Convention then proceeded to take the eighteenth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Burke, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Ashley, Buffum and Phelps, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Galvin, Geller, Jones, Rodgers, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Messrs. Clayton, Ferrell and Graves, of the Assembly, voted for Mr. Latham.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-seven votes.

Mr. Edwards received thirty-seven votes.

Mr. McCorkle received fifteen votes.

Mr. McDougal received four votes.

Mr. Latham received three votes.

No person having received a majority of all the votes cast, the Convention then proceeded to take the nineteenth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Coombs, Cook, Cunningham of El Dorado, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Buffum, Phelps and Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Stewart and Wells, of the Assembly.

Messrs. Clayton, Ferrell and Graves, of the Assembly, voted for M. S. Latham.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-six votes.

Mr. Edwards received thirty-nine votes.

Mr. McCorkle received fourteen votes.

Mr. McDougal received four votes.

Mr. Latham received three votes.

No person having received a majority of all the votes cast, the Convention then proceeded to take the twentieth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Buffum, Phelps and Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Messrs. Ashley, Burke and Graves, of the Assembly, voted for P. H. Burnett.

Messrs. Clayton, Doughty and Ferrell, of the Assembly, voted for Mr. Latham.

Mr. Edwards, of the Assembly, voted for P. B. Reading.

Whole number of votes cast, one hundred and nine.
Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-six votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received fourteen votes.

Mr. McDougal received four votes.

Mr. Latham received three votes.

Mr. Burnett received three votes.

Mr. Reading received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the twenty first vote.

Those who voted for Mr. D. C. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Philip L. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Buffum and Phelps, of the Assembly.

Those who voted for Mr. McCorkle, were—Messrs. Flint, May, Rust, Stebbins and Tuttle of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Messrs. Clayton, Doughty and Ferrell, of the Assembly, voted for M. S. Latham.

Messrs. Ashley, Graves and Ryland, of the Assembly, voted for P. H. Burnett.

Mr. Burke, of the Assembly, voted for J. H. Wade.

Whole number of votes cast, one hundred and eight.
Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.
 Mr. Gwin received thirty-six votes.
 Mr. Edwards received thirty-six votes.
 Mr. McCorkle received fourteen votes.
 Mr. McDougal received three votes.
 Mr. Burnett received three votes.
 Mr. Latham received three votes.
 Mr. Wade received one vote.

Mr. Douglas submitted the following:

Resolved, That the Joint Convention adjourn to meet each Saturday at 12, M., until the Legislature do adjourn, or until a Senator is elected.

Mr. McFarland moved that the resolution lie upon the table.
 Agreed to.

No person having received a majority of all the votes cast on the twenty-first vote, the Convention then proceeded to take the twenty-second vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Anyx, Baker, Beatty, Bogardus, Boles, Brewton, Burke, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. James A. McDougal were—Messrs. May and McFarland, of the Senate, and

Messrs. Buffum, Phelps and Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Gaylord, Jones, Rodgers, Sherrard, Stewart and Wells of the Assembly.

Messrs. Ashley, Clayton, Doughty and Ferrell, of the Assembly, voted for M. S. Latham.

Mr. Graves, of the Assembly, voted for P. H. Burnett.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-seven votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received thirteen votes.

Mr. McDougal received five votes.

Mr. Latham received four votes.

Mr. Burnett received one vote.

No election.

Mr. McFarland moved that the Convention adjourn.

Upon which the ayes and noes were demanded by Messrs. Keene, French and Leake with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Burton, Crenshaw, Flint, Hall, Hawks, Hawthorne, Lippincott, Mahoney, May, McCoun, McFarland, McGarry, McNeil, Moore, Peck, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Ashley, Adkison, Brewton, Brown of Contra Costa, Burke, Cammet, Cory, Chase, Clayton, Coombs, Covarrubias, Dana, Edwards, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Hosmer, Hunt, Jones, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Rodgers, Ryland, Sherrard, Stewart, Taylor, Updegraff, Waite, Wells and Mr. Speaker, of the Assembly—66.

Those who voted in the negative were—

NOES.

Messrs. Colby, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Bates, Beatty, Boles, Bogardus, Buffum, Cook, Cunningham of Sierra, Curtis, Douglas, Doughty, Foster, Gragg, Johnson of El Dorado, Johnston of San Francisco, Keys, Kinney, McCutchan, McConnell, Quinn, Rowe, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins and Whitney, of the Assembly—44.

So the Convention adjourned till to-morrow at 12 o'clock.

The Senate withdrew.

On motion of Mr. Buffum, at 2 o'clock, P. M., the House adjourned.

IN ASSEMBLY.

WEDNESDAY, January 24, 1855:

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Mr. Wheeler.

Roll called and the following members were absent:

Messrs. Brown of Nevada, Covarrubias, Flournoy, Johnson of El Dorado, Jones, McCutchan and Vineyard.

The Journal of yesterday was read and approved.

Assembly bill No. 57, An Act to create the Thirteenth Judicial District out of Humboldt and Klamath Counties.

Read second time and referred to the Judiciary Committee.

Assembly bill No. 59, An Act to fix the Sessions of the Supreme Court at the Cities of Sacramento and San Francisco.

Read second time and referred to Judiciary Committee.

Assembly bill No. 61, An Act to amend the Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Read second time and referred to the Judiciary Committee.

Assembly bill No. 62, An Act to prohibit the Sale and Manufacture of Spir-
ituous and Intoxicating Liquors.

Read second time and referred to Committee on Vice and Immorality.

Mr. Ryland introduced a bill for an Act to amend an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.

Read first time and ordered printed.

Mr. Douglas introduced a bill for an Act to prescribe the manner of Issuing and Redeeming Scrip, and the duty of Officers in relation thereto in the Counties and Incorporated Cities and Towns of this State.

Read first time.

Mr. Curtis introduced a bill for an Act granting Edward De Witt and others the right to construct a Toll-Bridge across Klamath River.

Read first time.

Mr. Coombs introduced a bill for an Act to change the time of holding Courts in Napa County.

Read first time.

Mr. Ryland introduced a bill for an Act to provide for taking the Second Census in 1855, and for taking the Census thereafter.

Read first time.

Mr. Baker introduced a bill for an Act to provide the payment of the Salary of W. H. Harvey for the term of time said Harvey may have served as County Judge of the County of Tulare.

Read first time.

Mr. Baker gave notice that he would introduce a bill to prevent Selling or disposing of Intoxicating Liquors to Indians within the County of Tulare.

Mr. Smith, of Marin, gave notice that he would introduce a bill to amend an Act entitled an Act to provide for the Lien of Mechanics and others.

Mr. Stevens gave notice that he would introduce a bill for the support and maintenance of the Indigent Sick of Calaveras County.

Mr. Hunt gave notice of a bill for a Wagon Road from San Bernardino to the Southern Mines.

Mr. Coombs gave notice of a bill to straighten and better define the Boundary Lines of Napa County.

Mr. Edwards, from the Committee on Judiciary, made the following report :

Mr. Speaker :

The Judiciary Committee having had under consideration a resolution requiring them to inquire into the Revenue Act as to the practice of some of the Assessors of the Counties of this State, exempting from taxation money loaned on mortgages of real estate, beg leave to report the same back to the House and recommend its reference to the Committee of Ways and Means.

P. L. EDWARDS,
Chairman.

Adopted.

The resolution referred to, was re-committed to the Committee on Ways and Means.

Mr. Edwards, from the Judiciary Committee, made the following report:

Mr. Speaker :

The Judiciary Committee report that they have had Assembly bill No. 43, entitled an Act concerning Juries and Trials in the State, under consideration, and recommend that the same be rejected.

P. L. EDWARDS,
Chairman.

The bill was laid on the table.

Mr. Edwards made the following report:

Mr. Speaker:

The Judiciary Committee have had under consideration an Act to authorize J. R. N. Owen, of Butte County, to demand and collect Tolls on what is known as Owen's Turnpike in said County, report the same back to the House and recommend its reference to the Committee on Roads and Highways.

P. L. EDWARDS,
Chairman.

Adopted.

Mr. Edwards made the following report :

Mr. Speaker :

The Committee on Judiciary having had under consideration Assembly bill No. 40, propose the following amendments thereto:

Amend Section One, twenty-second line from the top of page, by inserting after the word "person" the following words, "competent to be a witness in the cause."

Also, strike out Sections Second and Three of said bill.

The Committee recommend the amendments above named, and the passage of the bill so amended.

P. L. EDWARDS,
Chairman.

Assembly bill No. 40, An Act to amend an Act entitled an Act amendatory of and supplementary to the Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854.

Reported back and amendments adopted, and,

On motion of Mr. Amyx, laid on the table.

Mr. Douglas made the following report:

Mr. Speaker:

The Committee on Public Lands to whom was referred joint resolutions in relation to the Muniments of Title delivered to the Board of United States Land Commissioners, have had the same under consideration, and beg leave to report the same back to the House and recommend their passage.

DOUGLAS,
Of Committee.

Assembly joint resolution No. 2, relative to the Muniments of Title delivered to the Board of United States Land Commissioners.

Read third time and passed.

Mr. Farley made the following report:

Mr. Speaker :

The Committee on Counties and County Boundaries having had under consideration Senate bill No. 17, for an Act to Fund the Debt of Contra Costa County, and to provide for the payment of the same, beg leave to report the same back to the Assembly and recommend its passage.

FARLEY,
Of Committee.

Senate bill No. 17, a bill for an Act to Fund the Debt of Contra Costa County, and provide for the payment of the same.

Amended, read a third time and passed.

Mr. Moreland made the following report:

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed an Act to authorize John Horner and others to construct a Lock on Alameda River in the County of Alameda.

Also, an Act to fix the times for holding the County Courts, Probate Court and Court of Sessions in the County of Santa Clara.

THOS. MORELAND,
Chairman.

Assembly bill No. 53, An Act to authorize John Horner and others to construct a Lock on Alameda River in the County of Alameda.

Read third time and passed.

Messrs. Covarrubias and Graves made the following report:

The undersigned, delegations from the Counties of Santa Barbara and San Luis Obispo, to whom was referred Assembly bill No. 48, entitled an Act to fix the times for holding the Terms of the District Court of the Second Judicial District of this State, have had the matter under consideration, and now report the same back to the House and recommend its passage without amendment.

COVARRUBIAS,
GRAVES.

Assembly bill No. 48, An Act to fix the times for holding the Terms of the District Court of the Second Judicial District of this State.

Reported back and re-committed.

Mr. Ryland presented the following resolution:

Resolved, That it is unnecessary to enter into the Journals the evidence in the Contested Election Case, wherein Samuel McCurdy was contestant and E. R. Galvin was respondent, and that the record of the same be dispensed with.

Adopted.

On motion of Mr. Arrington, the Assembly took a recess for fifteen minutes.

House re-assembled.

The Clerk informed the Senate that the Assembly was ready to meet them in Joint Convention.

The Sergeant-at-Arms announced the President and Senate.

IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for
a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. De La Guerra, Hawks, Leake, McGarry, Norman and Stebbins, of the Senate, were absent.

House Roll was called.

Messrs. Edwards and McCutchan were absent.

Mr. Watkins, of the Assembly, offered the following resolution:

Resolved, That when this Convention adjourn to-day, that it adjourn *sine die*.

On motion of Mr. McFarland, it was laid upon the table.

The Convention then proceeded to take the twenty-third vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Coverrubbias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Buffum and Phelps, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Jones, Rodgers, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Messrs. Clayton, Ferrell and Graves, of the Assembly, voted for M. S. Latham.

Mr. Ashley, of the Assembly, voted for A. C. Peachy.
Mr. Geller, of the Assembly, voted for Mr. Barber.

Whole number of votes cast, one hundred and eight.
Necessary to a choice, fifty-five.

Mr. Broderick received thirteen votes.
Mr. Gwin received thirty-eight votes.
Mr. Edwards received thirty-seven votes.
Mr. McCorkle received twelve votes.
Mr. McDougal received three votes.

Mr. Latham received three votes.
Mr. Peachy received one vote.
Mr. Barber received one vote.

No person having received a majority of all the votes cast on the twenty-third vote, the Convention then proceeded to take twenty-fourth vote.

Those who voted for Mr. Broderick were—Messrs Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and Messrs. Buffum, Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Seellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Homer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Tuttle, of the Senate, and

Messrs. Cummet, Flournoy, Gaver, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.
Mr. Ashley, of the Assembly, voted for Mr. Peachy.
Mr. Burke, of the Assembly, voted for Mr. Barnett
Messrs. Clayton, Phelps and Ryland, of the Assembly, voted for S. J. Field.
Mr. Doughty, of the Assembly, voted for E. D. Baker.
Mr. Ferrall, of the Assembly, voted for Chas. M. Creaner.
Mr. Geller, of the Assembly, voted for W. F. Barber.

Whole number of votes cast, one hundred and eight.
Necessary to a choice, fifty-five.

Mr. Broderick received fourteen votes.
 Mr. Gwin received thirty-eight votes.
 Mr. Edwards received thirty-six votes.
 Mr. McCorkle received eleven votes.
 Mr. McDougal received one vote.
 Mr. Baker received one vote.
 Mr. Creaner received one vote.
 Mr. Barber received one vote.
 Mr. Field received three votes.
 Mr. Peachy received one vote.
 Mr. Burnett received one vote.

Mr. Oxley, of the Assembly, offered the following resolution:

Resolved, That this Convention do now adjourn until the first Wednesday in February next, at 12 o'clock, M.

On motion of Mr. McFarland, it was laid upon the table.

No person having received a majority of all the votes cast, the Convention then proceeded to take the twenty-fifth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and

Messrs. Ashley, Buffum, Chase, Covarrubias, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Tahafferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellins, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Jones, Rodgers, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.
 Messrs. Clayton and Phelps, of the Assembly, voted for S. J. Field.
 Mr. Ferrell, of the Assembly, voted for C. M. Creaner.
 Mr. Geller, of the Assembly, voted for W. P. Barber.
 Mr. Ryland, of the Assembly, voted for Sam. Purdy.
 Mr. Sherrard, of the Assembly, voted for J. A. Sutter.

Whole number of votes cast, one hundred and eight.
Necessary to a choice, fifty-five.

Mr. Broderick received fifteen votes.

Mr. Gwin received thirty-eight votes

Mr. Edwards received thirty-eight votes.

Mr. McCorkle received ten votes.

Mr. McDougal received one vote.

Mr. Field received two votes.

Mr. Creaner received one vote

Mr. Barber received one vote.

Mr. Purdy received two votes.

Mr. Sutter received one vote.

Mr. Mahoney submitted the following resolution:

Resolved, That the Convention do now adjourn to meet again on to-morrow at 12, M.

Upon which the ayes and noes were demanded by Messrs. French, Mandeville and Stevenson, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Burton, Crenshaw, Day, Flint, Hall, Hawks, Hawthorne, Lippincott, Mahoney, May, McCoun, McFarland, McGarry, Moore, Peck, Rust, Scellen, Sprague, Stebbins, Tuttle and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Ashley, Adkison, Baker, Brown of Contra Costa, Burke, Cammet, Cory, Chase, Clayton, Coombs, Covarrubias, Curtis, Dana, Douglas, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Rodgers, Ryland, Sherrard, Stewart, Taylor, Updegraff, Watkins, Waite, Whitney and Mr. Speaker, of the Assembly—71.

Those who voted in the negative were—

NOES.

Messrs. Colby, French, Gove, Heintzelman, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Cook, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Foster, Johnson of El Dorado, Johnston of San Francisco, McConnell, Quinn, Rowe, Stevens, Stevenson, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Wells, of the Assembly—35.

So the Convention adjourned.

The Senate withdrew.

On motion, the House resolved itself into Committee of the Whole.

Mr. Wells in the chair

On Senate bill No. 4, An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative Expenses of this State accruing from the first day of February, A. D., 1854, to the first day of February, A. D., 1855.

Adopted sundry amendments thereto, rose, reported the bill back to the House, and were discharged.

The amendments were concurred in by the House, the bill was read third time and passed.

Mr. Cunningham, of Sierra, presented the following resolution:

Resolved, That so much of the resolution inviting the resident Clergy of this City to officiate as Chaplains of the Assembly as relates to Mr. Merrick, be and the same is hereby rescinded.

Pending which, on motion, the House adjourned.

IN ASSEMBLY.

THURSDAY, January 25, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Mr. Wheeler.

Roll called and the following members were absent:

Messrs. Brown of Nevada, Johnson of El Dorado, Moreland, Palmer, Rowe, Taliaferro and Vineyard.

The Journal of yesterday was read and approved.

Assembly bill No. 63, An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.

Read second time and referred to Judiciary Committee.

Assembly bill No. 64, An Act to provide for the payment of the Salary of W. H. Harvey for the term of time said Harvey may have served as County Judge of the County of Tu'are.

Read second time and referred to Committee on Claims.

Assembly bill No. 65, An Act to provide for taking the second Census in 1855, and for taking the Census thereafter.

Read second time and referred to Select Committee on Census.

Assembly bill No. 66, An Act granting to Edward De Witt and others the right to construct a Toll Bridge across the Klamath River.

Read second time and referred to the Delegations from Humboldt, Siskiyou, Klamath and Trinity.

Assembly bill No 67, An Act to prescribe the manner of Issuing and Redeeming Scrip, and the duty of Officers in relation thereto in the Counties and Corporated Cities and Towns of this State.

Read second time and referred to Committee on Ways and Means.

Assembly bill No. 68, An Act to change the time of holding Courts in Napa County.

Read second time and referred to the Delegations from Napa, Solano and Sonoma

Mr. Baker introduced a bill for an Act to prohibit Selling or Disposing of Intoxicating Liquors to Indians within the County of Tulare.

Read first and second time and referred to the Committee on Indian Affairs.

Mr. Doughty, on leave, introduced a bill for an Act to organize the County of Suisun out of a portion of the territory of Solano County.

Read first time.

Mr. Taylor, on leave, introduced a bill for an Act to amend Section 516 of an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

Read first time.

Mr. Ferguson introduced a bill for an Act to Refund certain Moneys paid by the citizens of Minesota and St. Louis, in the County of Sierra.

Read first time

Mr. Murdock gave notice of a bill for the Relief of the Sheriff of Humboldt County

Mr. Meredith gave notice of a bill for an Act entitled an Act to amend the Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853.

Mr. Watkins gave notice of a bill for an Act relative to the Safe Keeping of the Public Moneys.

Mr. Arrington gave notice of a bill for an Act to regulate Elections in the Counties of Klamath, Truinity and Siskiyou.

Mr. Rodgers gave notice of a bill for an Act to establish a State University.

Mr. Ashley gave notice of an Act for the Relief of Preston K. Woodside.

Mr. Edwards gave notice of a bill to be entitled an Act for the Relief of J. P. Sharkey.

Also, of a bill for an Act to authorize Angus Frierson and his associates to construct a Road and Bridges across the tule and overflowed lands from the Ferryway between Sacramento City and the Town of Washington, to the Highlands of the Coast, and to keep and maintain an exclusive right thereto, and to collect Tolls thereon.

Mr. Moreland, from the Committee on Engrossments, made the following report:

Mr. Speaker :

The Committee on Engrossments have examined and found correctly engrossed an Act to create a Board of Supervisors for Alameda County.

And, also, an Act to provide for the payment of the Salary of the County Judge of Sacramento County.

THOS. MORELAND,
Chairman.

Mr. Ryland, from the Committee on Internal Improvements, made the following report:

Mr. Speaker :

Your Committee to whom was referred the petition of the citizens of Alvarado and Union City, and Assembly bill No 49, for an Act to declare the Head of Navigation on the Alameda River, beg leave to report the same back again, and ask that the whole matter be referred to the Committee on Commerce and Navigation, and this Committee be discharged from further consideration thereof.

RYLAND,
Chairman.

Report adopted.

Mr. Wells made the following report:

Mr. Speaker :

The Joint Select Committee appointed by concurrent resolution of the Senate and Assembly to examine and destroy the redeemed Controller's Warrants, redeemed for the current year, A. D., 1854, have instructed me to report that they have visited the office of the State Treasurer, and find that for the speedy and efficient prosecution it will be necessary that said Committee be allowed a Clerk, as there are redeemed warrants amounting to over one million of dollars to be overhauled and compared.

Also, the Committee find in the office of the State Treasurer, about \$9,900 of Temporary Loan Bonds, which were never put in circulation, and which the State Treasurer and the Committee think should be destroyed, as they are charged as so much cash to the State Treasurer, and the destroying of them would relieve the Treasurer of a needless responsibility.

All which is respectfully submitted, and the adoption of the accompanying resolutions recommended.

Resolved, That the Select Committee appointed by the House to examine the redeemed Controller's Warrants for the year, A. D., 1854, and to burn them, be allowed to employ a Clerk and discharge the same so soon as the labors of said Committee are ended.

Adopted.

Resolved, (by the Assembly, the Senate concurring,) That the Joint Select Committee appointed by the Senate and Assembly to examine and destroy the Controller's Warrants redeemed during the year, A. D., 1854, be instructed to examine and destroy the unissued Temporary Loan Bonds now in the hands of the State Treasurer.

Adopted.

Messrs. Graves and Covarrubias made the following report:

Mr. Speaker:

The Delegates from Santa Barbara and San Luis Obispo, to whom was referred Assembly bill No. 48, for an Act to fix the times for holding the Terms of the District Court of the Second Judicial District in this State, have had the matter under consideration and report the same back to the House with an amendment, and recommend the adoption of the amendment and the passage of the bill so amended.

COVARRUBIAS,
GRAVES.

Assembly bill No. 48, An Act to fix the times for holding the Terms of the District Court of the Second Judicial District of this State.

Reported back amended, read third time and passed.

The following message was received from the Senate :

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, on the 20th instant, Senate bill No. 18, entitled an Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several Counties of this State, passed April 11, 1850, passed May 13, 1854.

Also, that they passed, on the 23d instant, Senate bill No. 19, entitled an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the expenses of State Printing which exist in the form of unpaid audited accounts and of printing accounts not yet audited.

Also, that they passed, on the 24th instant, Assembly bill No. 39, entitled an Act to change the name of Francis Sophia Bowen to that of Francis Sophia Burgess, and that of her infant son, Charles French Bowen, to that of Charles French Burgess.

WM. A. CORNWALL,
Secretary of Senate.

Senate bill No. 18, An Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several Counties of this State, passed April 11, 1850, passed May 13, 1854.

Read first time.

Senate bill No. 19, An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the expenses of State Printing which exist in the form of unpaid audited accounts, and of printing accounts not yet audited.

Read first time.

On motion, Mr. Rowe was added to the Committee on Internal Improvements, and Mr. Ashley to the Committee on Education.

Mr. Ferrell introduced a joint resolution relative to the forming of an extradition treaty between the United States and Mexico.

Read three times and passed.

Mr. Stevenson presented the following resolution :

Whereas, This House ordered the printing of 500 copies of the Governor's Message in the German and one in the Spanish language; *and, whereas*, said copies have not been furnished; be it, therefore,

Resolved, That the Sergeant-at Arms be required to procure the said Message for the use of the members of this body.

Lost.

Mr. Flournoy submitted the following resolution:

Whereas, The number of assistants now allowed the Chief Clerk of the Assembly is entirely inadequate to perform the duties assigned them, without imposing upon them more than a reasonable task; therefore, be it

Resolved, That the Chief Clerk of this House be empowered to employ from time to time such additional assistance as the amount of business on hand may require.

Adopted.

Mr. Oxley offered the following resolution:

Resolved, That Messrs. Bates and Hosmer be added to the Select Joint Committee of the Senate and Assembly for the purpose of visiting State Hospitals.

Adopted.

Assembly bill No. 55, An Act to create a Board of Supervisors for the County of Sacramento, and to define its Duties and Powers.

Referred to Sacramento Delegation.

Assembly bill No. 42, An Act to create a Board of Supervisors for Alameda County.

Read third time and passed.

Unfinished business of yesterday, which was the resolution of Mr. Cunningham in relation to rescinding that portion of the Chaplain resolution relating to Mr. Merrick, was then taken up.

Mr. Moreland moved its indefinite postponement.

Messrs. Douglas, Johnston of San Francisco, and Cunningham of Sierra, demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Ashley, Baker, Beatty, Bogardus, Buffum, Cory, Cook, Curtis, Doughty, Flournoy, Gaver, Geller, Hunt, Johnson of El Dorado, Moreland, Murdock, Rowe, Smith of Marin, and Wells—18.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Adkison, Bates, Boles, Brewton, Brown of Contra Costa, Burke, Chase, Clayton, Coombs, Covarrubias, Cunningham of El Dora-

do, Cunningham of Sierra, Dana, Douglas, Edwards, Farley, Farwell, Foster, Ferguson, Gaylord, Gober, Graves, Gragg, Johnston of San Francisco, Keys, Kinney, Knox, Lincoln, McCutchan, McConnell, Mellus, Meredith, Oxley, Palmer, Phelps, Quinn, Rodgers, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Taliaferro, Taylor, Waite, Whitney and Mr. Speaker—50.

So the motion was lost.

Mr. Ashley offered the following resolution:

Resolved, That the resolution passed concerning Chaplain of this House be and the same is hereby rescinded.

Pending which the House, on motion, took a recess of fifteen minutes.

House re-assembled.

The Clerk informed the Senate that the Assembly was ready to meet them in Joint Convention.

The Sergeant-at-Arms announced the President and Senate.

IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Roll was called.

Mr. De La Guerra, of the Senate, and

Messrs. Boles, Brown of Nevada, Coombs, Farley, Meredith, Stevens, Sherrard and Updegraff, of the Assembly, were absent.

The Convention then proceeded to take the twenty-sixth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and Messrs. Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Chase, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory,

Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Ashley, Buffum and Phelps, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Geller, Jones, Ryland, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Mr. Clayton, of the Assembly, voted for S. J. Field.

Mr. Doughty, of the Assembly, voted for W. W. Stow.

Messrs. Ferrell, of the Assembly, voted for C. M. Creaner.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Broderick received twelve votes.

Mr. Gwin received forty-one votes.

Mr. Edwards received thirty-six votes.

Mr. McDougal received four votes.

Mr. McCorkle received fourteen votes.

Mr. Field received one vote.

Mr. Stow received one vote.

Mr. Creaner received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the twenty-seventh vote.

Those who voted for Mr. D. C. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague, Tuttle and Whiting of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Philip L. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and Messrs. Phelps and Ryland, of the Assembly.

Those who voted for Mr. McCorkle, were—Messrs. Flint, Rust and Stebbins, of the Senate, and

Messrs. Ashley, Buffum, Cammet, Flourney, Gaver, Geller, Jones, Rodgers, Stewart and Wells, of the Assembly.

Mr. Clayton, of the Assembly, voted for Mr. Field.

Mr. Doughty, of the Assembly, voted for Mr. Ed. McGarry.

Mr. Ferrell, of the Assembly, voted for C. M. Creaner.

Mr. Sherrard, of the Assembly, voted for J. A. Sutter.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Broderick received fourteen votes.

Mr. Gwin received forty votes.

Mr. Edwards received thirty-six votes.

Mr. McDougal received three votes.

Mr. McCorkle received thirteen votes.

Mr. McGarry received one vote.

Mr. Creaner received one vote.

Mr. Sutter received one vote.

Mr. Field received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the twenty-eighth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague, Tuttle and Whiting, of the Senate, and

Messrs. Ashley, Buffum, Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Secllen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr Speaker, of the Assembly.

Those who voted for Mr. James A. McDougal were—Mr. McFarland, of the Senate, and

Mr. Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Stebbins, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Sherrard, Stewart and Wells of the Assembly.

Messrs. Clayton, and Phelps, of the Assembly, voted for Mr. Field.

Messrs. Doughty and Ferrell, of the Assembly, voted for C. M. Creaner.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Broderick received sixteen votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-seven votes.

Mr. McCorkle received twelve votes.

Mr. McDougal received two votes.

Mr. Field received two votes.

Mr. Creaner received two votes.

No election.

Mr. Adkison moved that the Convention adjourn until Wednesday next, 31st instant.

Upon which the ayes and noes were demanded by Messrs. Mandeville, French and Leake, of the Senate, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. McCoun, McGarry, Peck and Whiting, of the Senate, and

Messrs. Arrington, Adkison, Brown of Contra Costa, Douglas, Farwell, Gober, Gragg, Hosmer, Hunt, Moreland, Murdock and Waite of the Assembly—17.

Those who voted in the negative were—

NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, May, McFarland, McNeil, Moore, Norman, Rust, Scellen, Sprague, Stebbins and Tuttle, of the Senate, and

Andrews, Amyx, Ashley, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Baffum, Burke, Cammet, Cory, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Curtis, Dana, Doughty, Farley, Ferrell, Foster, Ferguson, Gaver, Gaylord, Geller, Graves, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, McConnell, Mellus, Meredith, Oxley, Palmer, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Viueyard, Watkins, Wells, Whitney and Mr. Speaker, of the Assembly—89.

Mr. Burke offered the following resolution:

Resolved, That this Convention do now adjourn until the fourth Monday in March next.

On motion of Mr. Knox, it was laid on the table.

The Convention then proceeded to take the twenty-ninth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Coombs, Cook, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Buffum and Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Stebbins, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Mr. Peck, of the Senate, voted for H. A. Crabb.

Messrs. Ashley, Clayton, and Phelps, of the Assembly, voted for Mr. Field.

Mr. Brown, of Nevada, of the Assembly, voted for T. J. Dunn.

Mr. Burke, of the Assembly, voted for Col. Childs.

Mr. Dougherty, of the Assembly, voted for H. A. Crabb.

Mr. Ferrill, of the Assembly, voted for Chas. M. Creaner.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received thirteen votes.

Mr. Gwin received thirty-eight votes.

Mr. Edwards received thirty-five votes.

Mr. McCorkle received twelve votes.

Mr. McDougal received three votes.

Mr. Creaner received one vote.

Mr. Dunn received one vote.

Mr. Crabb received two votes.

Mr. Field received three votes.

Col. Childs received one vote.

No election.

Mr. Baker submitted the following resolution:

Resolved, That the time of meeting in Joint Convention each day, be fixed at 3 o'clock, P. M.

Mr. Burton submitted that the resolution was not in order.

The point of order was overruled by the President.

Mr. Keene appealed from the decision of the President.

The question being then, "shall the decision of the President stand as the judgment of the Convention?"

Messrs. French, Heintzelman and McGarry demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Colby, Day, Hawks, Hawthorne, Lippincott, Mahoney, McCoun, McGarry, Scellen, Sprague and Whiting, of the Senate, and

Messrs. Arrington, Ashley, Adkison, Baker, Bates, Brewton, Brown of Contra Costa, Brown of Nevada, Cory, Clayton, Coombs, Covarrubias, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Flournoy, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, McCutchan, Melius, Meredith, Moreland, Murdock, Palmer, Phelps, Quinn, Rodgers, Rowe, Ryland, Sherrard, Smith of Marin, Stewart, Taylor, Updegraff, Watkins, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—62.

Those who voted in the negative were—

NOES.

Messrs. Burton, Crenshaw, Flint, French, Gove, Hall, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McFarland, McNeil, Moore, Norman, Peck, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Amyx, Beatty, Bogardus, Boles, Buffum, Cammet, Chase, Cook, Cunningham of Sierra, Ferrell, Foster, Gaver, Geller, Johnson of El Dorado, Kinney, McConnell, Oakley, Stevens, Stevenson, Smith of El Dorado, Taliaferro and Vineyard, of the Assembly—43.

So the decision of the President was sustained.

Mr. Farwell moved that the Convention adjourn until to-morrow at 2 o'clock.
Lost.

Mr. Crenshaw moved that the Convention adjourn until to-morrow at 12 o'clock.

Upon which the ayes and noes were demanded by Messrs. Leake and French, of the Senate, and Mr. Buffum, of the Assembly, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Crenshaw, Day, Flint, Gove, Hall, Hawthorne, Lippincott, Mahoney, May, McFarland, McGarry, Moore, Peck, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Arrington, Ashley, Baker, Brown of Nevada, Cory, Chase, Clayton, Coombs, Covarrubias, Cunningham of Sierra, Curtis, Dana, Farwell, Ferrell, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Keys, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Rodgers, Ryland, Stevens, Sherrard, Smith of Marin, Stewart, Taylor, Wells, Whitney and Mr. Speaker, of the Assembly—61.

Those who voted in the negative were—

NOES.

Messrs. Burton, Colby, French, Hawks, Heintzelman, Keene, Kendall, Leake, Mandeville, McCoun, McNeil, Norman and Tuttle of the Senate, and

Messrs. Andrews, Amyx, Adkison, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Buffum, Cammet, Cook, Doughty, Farley, Flournoy, Foster, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, McCutchan, McConnell, Quinn, Rowe, Stevenson, Tahaferro, Updegraff, Vineyard, Watkiss and Waite, of the Assembly—43.

So the Convention adjourned till to-morrow at 12 o'clock.

The Senate withdrew.

On motion of Mr. Ashley, the House adjourned until 10 o'clock, A. M., to-morrow.

IN ASSEMBLY.

FRIDAY, January 26, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Mr. Wheeler.

Roll called and the following members were absent:

Messrs. Brown, of Nevada, and Vineyard.

The Journal of yesterday was read and approved.

Assembly bill No. 69, An Act to organize the County of Suisun out of a portion of the Territory of Solano County.

Read second time and referred to the Committee on Counties and County Boundaries.

Assembly bill No. 71, An Act to amend Section 516 of an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

Read second time and referred to Judiciary Committee.

Assembly bill No. 72, An Act to refund certain moneys paid by the Citizens of Minnesota and St. Louis.

Read second time and referred to the Committee on Claims.

Senate bill No. 18, An Act amendatory of an Act to provide for the permanent location of the Seats of Justice in the several Counties of this State, passed April 11, 1850, passed May 13, 1854.

Read second time and referred to the Committee on Counties and County Boundaries.

Senate bill No. 19, An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Expenses of State Printing which exist in the form of unpaid audited accounts and of printing accounts not yet audited.

Read second time and referred to the Committee on Printing.

Mr. Edwards introduced a bill to be entitled an Act to authorize the County of Sacramento to Fund the outstanding Warrants drawn against the Court House and Jail Fund of the County.

Read first time.

Mr. Farwell introduced a bill for an Act to suppress Gaming.

Read first time and ordered printed.

Mr. Meredith introduced a bill for an Act entitled an Act to amend the Act to provide for the incorporation of Railroad Companies, passed April 22, 1853.

Read first time.

Mr. Ashley presented a bill for an Act for the Relief of Preston K. Woodside.

Read first time.

Mr. Farwell gave notice of a bill to amend an Act entitled an Act to provide Revenue for the support of the Government of this State.

Mr. Ryland, from the Judiciary Committee, made the following report:

Mr. Speaker :

The Judiciary Committee have had Assembly bill No. 35, for an Act fixing the time for holding the several Courts by the County Judge of Contra Costa County, under consideration, and beg leave to report the same back amended, and recommend its passage.

RYLAND,
Of Committee.

Assembly bill No. 35, An Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Contra Costa.

Amendments adopted, read third time and passed.

Assembly bill No. 67, An Act to prescribe the manner of Issuing and Redeeming Scrip, and the duty of Officers in relation thereto in the Counties and incorporated Cities and Towns of this State.

Ordered printed.

Mr. Lincoln, Chairman, made the following report:

Mr. Speaker:

The Committee to whom was referred the resolution granting the use of the Assembly Hall to the First Presbyterian Church of this City for purposes of Divine Worship, have had the same under consideration, and recommend that the same be indefinitely postponed.

They have also had under consideration the resolution granting the use of the Hall to the Episcopal Church, and recommend its indefinite postponement.

LINCOLN,
Chairman.

Mr. Moreland, from the Committee on Engrossments, made the following report:

Mr. Speaker :

The Committee on Engrossment have examined and found correctly engrossed Assembly joint resolution relative to the Monuments of the Title delivered to the Board of United States Land Commissioners.

Also, Assembly joint resolution relative to the forming of an Extradition Treaty between the United States and Mexico.

THOS. MORELAND,
Chairman.

Mr. Coombs made the following report:

The Delegation from Sonoma, Napa and Solano, to whom was referred the bill for an Act to change the time of holding County and Session Courts in the County of Napa, have had the same under consideration and recommend its passage.

COOMBS,
Of Delegation.

Assembly bill No. 68, An Act to change the time of holding County and Session Courts in Napa County.

Recommitted.

On motion, Mr. Palmer was added to the Committee on Printing.

Mr. Farwell presented the following resolution :

Resolved, (the Senate concurring) That after Friday the 26th inst, both Houses of the Legislature will meet in Joint Convention at the hour of 2 o'clock, P. M., instead of 12, M, for the purpose of electing a United States Senator, and that a resolution passed January 9, 1855, fixing the hour of 12

o'clock, M., for the meeting of said Convention, be and the same is hereby rescinded.

Adopted.

The unfinished business of yesterday, being Mr. Ashley's substitute for Mr. Cunningham's (of Sierra) Chaplain resolution.

Mr. Buffum moved to lay the whole subject on the table.

Lost.

Mr. Ashley withdrew his substitute and offered the following as a substitute to the resolution of Mr. Cunningham:

Resolved, That all motions and resolution passed concerning a Chaplain to the House, be and the same are hereby rescinded.

Mr. Farwell moved the previous question.

Sustained.

Messrs. Cunningham, of Sierra, Smith, of Marin, and Boles, demanded the ayes and noes:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Arrington, Ashley, Baker, Bates, Beatty, Bogardus, Boles, Brown of Contra Costa, Cory, Chase, Clayton, Coombs, Covarrubias, Curtis, Douglas, Doughty, Farwell, Ferrell, Flournoy, Gaver, Gaylord, Geller, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Keys, Kinney, Knox, McCutchan, Mellus, Meredith, Moreland, Quinn, Rowe, Stevenson, Smith of Marin, Watkins, Waite, Whitney and Mr. Speaker—45.

Those who voted in the negative were—

NOES.

Messrs. Adkison, Brewton, Buffum, Burke, Cammet, Cunningham of El Dorado, Cunningham of Sierra, Dana, Farley, Gober, Lincoln, McConnell, Murdock, Oxley, Palmer, Phelps, Rodgers, Ryland, Stevens, Sherrard, Smith of El Dorado, Stewart, Taylor, Updegraff and Wells—25.

So the substitute was agreed to.

The resolution was then adopted.

On motion of Mr. Farley, the House took a recess for fifteen minutes.

House re-assembled.

The Clerk informed the Senate that the Assembly was ready to meet them in Joint Convention.

The Sergeant-at-Arms announced the President and Senate.

IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. De La Guerra and May, of the Senate, were absent.

House roll called

Messrs. Brown, of Nevada, and Edwards were absent.

The Convention then proceeded to take the thirtieth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Geller, Hunt and Knox, of the Assembly

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Maudeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Tulaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Giber, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Mr. Buffum, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Jones, Rodgers, Ryland, Sherrard, and Wells, of the Assembly.

Mr. Peck, of the Senate, voted for H. A. Crabb.

Mr. Ashley, of the Assembly, voted for T. J. Henley.

Messrs. Clayton and Phelps, of the Assembly, voted for S. J. Field.

Mr. Ferrell, of the Assembly, voted for C. M. Creaner.

Mr. Stewart, of the Assembly, voted for R. P. Hammond.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received thirteen votes.
 Mr. Gwin received thirty-nine votes.
 Mr. Edwards received thirty-six votes.
 Mr. McCorkle received twelve votes.
 Mr. McDougal received two votes.
 Mr. Crabb, received one vote.
 Mr. Henley received one vote.
 Mr. Creaner received one vote.
 Mr. Field received two votes.
 Mr. Hammond received one vote.

Mr. Flint moved that the Convention adjourn till Tuesday next, the 30th instant, at 12 M.

Mr. Mandeville moved that the Convention adjourn till the fifth of April next.

Lost.

The question then being upon the motion to adjourn till Tuesday next.

Messrs. Leake, French and Oxley demanded the ayes and noes, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hall, Hawks, Hawthorne, Lippincott, Mahoney, McConn, McFarland, McGarry, Moore, Peek, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Baker, Bates, Brown of Contra Costa, Buffum, Burke, Canamet, Cory, Chase, Clayton, Coombs, Covarrubias, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Kinney, Lincoln, McConnell, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—77.

NOES.

Messrs. French, Hook, Keene, Kendall, Leake, Mandeville, McNeill, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Beatty, Bogardus, Boles, Brewton, Cook, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Foster, Johnson of El Dorado, Johnston of San Francisco, Knox, McCutchan, Palmer, Quinn, Stevens, Stevenson, Singley, Vineyard and Watkins, of the Assembly—30.

So the Convention adjourned.

The Senate withdrew.

Mr. Meredith, Chairman, from the Committee on Enrolled Bills, reported that they had examined and find correctly enrolled Senate bill No. 4, entitled an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative Expenses of this State accruing from the first day of February, A. D., 1854, to the first day of February, A. D., 1855.

On motion, leave of absence was granted to Messrs. Farwell, Mellus and McConnell for two days.

Mr. Cammet moved to adjourn until Tuesday next, at 11 o'clock, A. M.

Mr. Quinn moved to adjourn.

On Mr. Cammet's motion, Messrs. Foster, McConnell and Boles demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Ashley, Adkison, Cammet, Chase, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Dana, Doughty, Farley, Farwell, Gaver, Geller, Hosmer, Hunt, Knox, McConnell, Meredith, Rodgers, Rowe, Smith of Marin, Taylor and Vineyard—25.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Burke, Cory, Cook, Cunningham of El Dorado, Douglas, Edwards, Ferrell, Foster, Ferguson, Gaylord, Graves, Gragg, Johnson of El Dorado, Johnson of San Francisco, Keys, Kinney, McCutchan, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Ryland, Stevens, Sherrard, Singley, Smith of El Dorado, Taliaferro, Updegraff, Watkins, Waite, Wells and Mr. Speaker—43.

So the motion was lost

Mr. Quinn moved to adjourn until to morrow, 12 o'clock M.

Not agreed to.

Mr. Hosmer moved to adjourn until Monday next at 11 o'clock, A. M.

Messrs. Kinney, Boles and Cunningham of El Dorado, demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Ashley, Adkison, Baker, Cammet, Chase, Clayton, Cunningham of Sierra, Curtis, Edwards, Farley, Foster, Geller, Hunt, Meredith, Oxley, Sheriard, Updegraff and Mr. Speaker—19.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Burke, Cory, Cook, Covarrubias, Cunningham of El Dorado, Dana, Douglas, Doughty, Ferrell, Ferguson, Gaver, Gaylord, Graves, Hosmer, Johnson of El Dorado, Keys, Kinney, Knox, McCutchan, McConnell, Moreland, Murdock,

Palmer, Phelps, Quinn, Rowe, Ryland, Stevens, Singley, Smith of El Dorado, Vineyard, Watkins, Waite and Wells—42.

So the motion was lost.

On motion, the House adjourned.

IN ASSEMBLY.

SATURDAY, January 27, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called and the following members were absent:

Messrs Brown of Nevada, Curtis, Flournoy, Jones and Lincoln.

On motion of Mr. Johnson, of El Dorado, all absentees were granted leave of absence for two days.

The Journal of yesterday was read and approved.

Mr. Phelps presented a petition from citizens of Nevada, praying the suppression of all noisy amusements or barbarous exhibitions on the first day of the week.

Read and referred to the Committee on Vice and Immorality.

Mr. Buffum presented the claim of Geo. T. Regby for services as armorer in the Quartermaster General's employ.

Read and referred to the Committee on Claims

Assembly bill No. 73, An Act to suppress Gaming.

Read second time and referred to Select Committee of five.

The Chair appointed Messrs. Buffum, Bates, Farwell, Wells and Cunningham, of Sierra, the Committee.

Assembly bill No. 74, An Act for the Relief of Preston K. Woodside.

Read second time and, with the accompanying papers, was referred to the Committee on Claims

Assembly bill No. 75, An Act to authorize the County of Sacramento to Fund the outstanding Warrants drawn against the Court House and Jail Fund of the County.

Read second time and referred to the Sacramento Delegation.

Assembly bill No. 76, An Act to amend an Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853.

Read second time and referred to Committee on Corporations.

Mr. Murdock introduced a bill for an Act for the Relief of Peter Lothian, Sheriff of Humboldt County.

Read first time.

Mr. Cunningham, of Sierra introduced, on leave, a bill for an Act authoriz-

ing James Galloway to construct a Turnpike Road from Forrest City to Camp-tonville, and collect Tolls on the same.

Read first time.

Mr. Kinney introduced a bill for an Act to amend an Act entitled an Act concerning County Judges, passed April 4, 1854.

Read first time.

Mr. Stevens introduced a bill for an Act for the support and maintenance of the Indigent Sick of Calaveras County.

Read first time.

Mr. Farley gave notice of a bill to repeal an Act to create the office of State Printer and define the duties and compensation thereof, and to provide for the time and manner of Election, passed May 1, 1854, and to provide for the Public Printing by letting the work to the lowest and best bidder.

Mr. Douglas gave notice of a bill to repeal and amend the Sixth and Thirteenth Sections of an Act entitled an Act to provide for Funding the Debt of San Joaquin County, for the payment of the Interest thereon, and for the gradual liquidation of the Debt, approved April 20, 1852.

Mr. Johnston, of San Francisco, gave notice of a bill for an Act supplementary to an Act to regulate Elections, passed March 23, 1850.

Mr. Edwards, from the Judiciary Committee, made the following report:

Mr. Speaker :

The Committee on Judiciary have considered the Assembly bill No. 34, entitled an Act fixing the times of holding the Terms of the County Courts, Court of Sessions and Probate Courts in and for Butte County, and report the accompanying substitute of the same title, and recommend its passage.

Respectfully,

P. L. EDWARDS,

Chairman.

Substitute for Assembly bill No. 34, on its third reading, above reported, was adopted; bill read third time and passed.

Mr. Douglas, Chairman, made the following report:

Mr. Speaker :

The Committee of Ways and Means, to which was referred Senate bill No. 23, report it back and recommend its passage without amendment.

DOUGLAS,

Chairman.

Senate bill No. 23, An Act to repeal an Act entitled an Act to amend an Act concerning the per diem of Officers of the Senate and Assembly, passed January 21, 1854, passed May 15, 1854, and to re-instate and re-enact an Act entitled an Act concerning the per diem of Officers of the Senate and Assembly, passed February 4, 1854.

Reported back, read a third time and passed.

Mr. Oxley, from the Committee on Federal Relations, made the following report:

Mr. Speaker :

The Committee on Federal Relations, to whom was referred Senate bill No. 13, for an Act authorizing the Governor of this State to appoint Commissioners to the World's Industrial Exhibition to be holden at Paris in the year 1855, having had the same under consideration, and beg leave to report the same back without amendment, and recommend its passage.

Your Committee have also had under careful consideration, Assembly joint resolutions No. 1, in regard to establishing an additional Land District in this State, comprising all that portion of country lying between the third and eighth standard lines south of Mount Diablo, and locating the new Land Office at the town of Rasalia, Tulare County, and after having examined maps of said proposed District, and other attainable information in regard to the matter, we deem the passage of the resolutions premature, and earnestly recommend that the same be indefinitely postponed.

THOS. J. OXLEY,

Chairman.

Senate bill No. 13, above reported.

Read third time and passed.

Assembly joint resolution No. 1, relative to the establishment of an additional Land District in this State, above reported.

On motion, was made the special order for Wednesday week, at 12 o'clock M.

Mr. Farley, Chairman, presented the following report:

Mr. Speaker :

The Committee on Counties and County Boundaries, to whom was referred Senate bill No. 18, entitled an Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several Counties of this State, passed April 11, 1850, passed May 13, 1854, have had the same under consideration, and beg leave to report the same back to the Assembly and recommend its passage.

FARLEY,

Chairman.

Senate bill No. 18, An Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several Counties of this State, passed April 11, 1850, passed May 13, 1854.

Laid on the table.

Mr. Moreland submitted the following report:

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed, an Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Contra Costa.

Also, an Act to fix the times for holding the Terms of the District Court of the Second Judicial District of this State.

THOS. MORELAND,
Chairman.

Mr. Doughty made the following report:

Mr. Speaker :

The members from Solano, Napa and Sonoma, to whom was re-committed the bill for an Act to change the time of holding County and Session Courts in the County of Napa, have had the same under consideration, and beg leave to offer the accompanying bill, as a substitute, and recommend its passage.

DOUGHTY,
Of Delegation.

Assembly bill No. 68. An Act to change the time of holding County and Session Courts in the County of Napa.

Substitute, as recommended above, was adopted.

Read third time and passed.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate, yesterday, passed Senate bill No. 31, entitled an Act to provide for the payment of the Salary of the County Judge of the County of Yuba.

Also, that they passed Senate bill No. 26, entitled an Act concerning Seals and legalizing Scrolls.

Also, that they passed Assembly bill No. 9, entitled an Act to repeal an Act concerning County Judges, passed April 4, 1850, so far as the same extends to San Luis Obispo County.

Also, that they concurred in the amendment made by the Assembly to Senate bill No. 17, entitled an Act to Fund the Debt of Contra Costa County, and to provide for the payment of the same.

Also, that they concurred in the amendments made by the Assembly to Senate bill No. 4, entitled an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative Expenses of this State accruing from the first day of February, 1854, to the first day of February, 1855.

Also, that they passed Senate bill No. 24, entitled an Act to amend Section First of an Act creating a Board of Commissioners and the Office of Overseer in each Township of the several Counties of this State, to regulate Water Courses within their respective limits, passed May 15, 1850.

Also, that they passed Senate joint resolution in relation to the construction of a Breakwater in the Harbor at Crescent City in this State.

WM. A. CORNWALL,
Secretary of Senate.

Senate bill No. 31, An Act to provide for the payment of the Salary of the County Judge of the County of Yuba.

Read first and second time and referred to the Judiciary Committee.

Senate bill No. 26, An Act concerning Seals and legalizing Scrolls.

Read first and second time and referred to Judiciary Committee.

Senate bill No. 24, An Act to amend Section First of an Act creating a Board of Commissioners and the Office of Overseer in each Township of the several Counties of this State, to regulate Water Courses within their respective limits, passed May 15, 1854.

Read first time.

Senate Joint Resolution in relation to the construction of a Breakwater in the Harbor at Crescent City in this State.

Read first and second time and referred to the Committee on Federal Relations.

Mr. Hosmer offered the following resolution:

Resolved, That the Sergeant-at-Arms be and is hereby instructed to provide each member of this House with a Penknife.

Indefinitely postponed.

Mr. Farley offered the following resolution:

Resolved, That two thousand additional copies of the Report of the Surveyor General of this State be ordered printed for the use of this House, and that five hundred copies of the same be furnished to said Surveyor General to be distributed as he may see proper.

Laid over under the rules.

Mr. Ferrell offered the following resolution:

Resolved, That the Sergeant-at-Arms be directed to purchase a filter to filterate the water for the use of this House.

Adopted.

Mr. Douglas offered a Concurrent Resolution relative to claims of Messrs. Dent, Rantine & Co., against the Federal Government at Washington for provisions furnished the Indians

On motion, it was laid on the table.

Mr. Watkins offered the following resolution:

Resolved, That the Committee on Internal Improvements be instructed to inquire into the expediency of a grant on the part of the State in aid of removing the Bar of San Antonio Creek at its entrance into the Bay of San Francisco, and that they report by bill or otherwise.

Mr. Ashley offered the following Concurrent Resolution:

Resolved, (the Senate concurring) That the two Houses will adjourn *sine die* on Monday the second day of April, A. D., 1855.

Laid on the table.

Mr. Curtis offered a Concurrent Resolution asking Congress for an appropriation to open and construct a Military Road from the head of Sacramento Valley to the head of Shasta Valley.

Laid on the table.

The unfinished business of yesterday, being the motion of Mr. Amyx that a thousand copies of a bill prohibiting the Sale and Manufacture of Spiritous and Intoxicating Liquors be printed.

Adopted.

Mr. Buffum offered the following resolution:

Resolved, That the thanks of the Assembly be tendered to the Rev O C. Wheeler for the services rendered by him as Chaplain to this House, and that he be invited to continue those services without compensation.

Mr. Douglas moved to strike out "invite."

Lost.

Resolution laid on the table.

The House then adjourned until Monday 11 o'clock, A. M.

IN ASSEMBLY.

MONDAY, January 29, 1855.

House met pursuant to adjournment.

The Speaker being absent the Clerk called the House to order.

On motion of Mr. Dana, Mr. Kinney took the chair.

Mr. Taliaferro offered the following resolution:

Resolved, That in consequence of the appalling disaster which has recently befallen our community, in the explosion of the Steamer Pearl, resulting in the great destruction of human life, that this House, sympathizing in the general gloom which surrounds the great heart of the public, do now adjourn to take part in the funeral obsequies of the deceased, in accordance with the invitation of the city authorities of Sacramento.

Unanimously adopted.

So the House adjourned until 11 o'clock, A. M., to-morrow.

IN ASSEMBLY.

TUESDAY, January 30, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called and the following members were absent:

Messrs. Cunningham of El Dorado, Curtis, Jones, McConnell, Oxley, Taliaferro and Updegraff.

Mr. McConnell was granted leave of absence for one day.

The Journal of yesterday was read and approved.

Mr. Rodgers presented a petition from Mr. Wehler, praying for Relief.

Read and referred to Committee on Claims.

Assembly bill No. 77, An Act to authorize James Galloway to construct a Turnpike Road from Forest City to Camptouville, and collect Tolls on the same.

Read second time and referred to Committee on Roads and Highways.

Assembly bill No. 78, An Act for the Relief of Peter Lothian, Sheriff of Humboldt County.

Read second time and referred to the Committee on Claims.

Assembly bill No. 79, An Act to amend an Act entitled an Act concerning County Judges, passed April 4, 1854.

Read second time and ordered engrossed for a third reading.

Assembly bill No. 80, An Act for the support and maintenance of the Indigent Sick of Calaveras County.

Read second time and referred to the Calaveras Delegation.

Senate bill No. 24, An Act to amend Section First of an Act creating a Board of Commissioners and the Office of Overseer in each Township of the several Counties of this State, to regulate Water Courses within their respective limits, passed May 15, 1854.

Read second time and referred to Committee on Internal Improvements.

Mr. Buffum introduced a bill for an Act to provide for the better regulation of Steamboats navigating the Waters of this State.

Read first time and ordered printed.

Mr. Watkins introduced a bill for an Act concerning the pay of Members of the Legislature.

Read first and second time and referred to the Committee on Public Accounts and Expenditures.

Mr. Watkins introduced a bill for an Act concerning the Salaries of Officers.

Read first and second time and referred to the Committee on Public Accounts and Expenditures.

Mr. Graves introduced a bill for an Act to legalize certain Records in San Luis Obispo County.

Read first time.

Mr. Stevenson introduced a bill for an Act to repeal an Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in the State, passed May 19, 1853.

Read first time.

Mr. Baker introduced a bill for an Act to provide for the sale of Swamp and Overflowed Lands belonging to this State.

Read first time and ordered printed.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on Saturday last, passed, with amendments, Assembly Concurrent Resolution designating the hour of 2, P. M., for the meeting of the two Houses in Joint Convention, in which the concurrence of the Assembly is respectfully requested.

Also, that they passed a Concurrent Resolution authorizing the Joint Select Committee appointed to examine the Treasurer's Warrants and Bonds to employ, temporarily, a Clerk.

WM. A. CORNWALL,

Secretary of Senate.

The House concurred in the Senate amendment to the Concurrent Resolution fixing the hour for the meeting of the Joint Convention for the election of United States Senator.

Senate Concurrent Resolution authorizing the employment of a temporary Clerk.

Laid on the table.

Mr. Johnston, of San Francisco, introduced a bill for an Act supplementary to an Act entitled an Act concerning the Office of Reporter, passed April 13, 1850; and an Act entitled an Act amendatory of, and supplementary to, an Act concerning the Office of Reporter, passed April 13, 1850, passed May 3, 1854.

Read first and second time and referred to Judiciary Committee.

Mr. Stevens gave notice of a bill for an Act amendatory of an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1854.

Mr. Arrington gave notice of a bill to establish School and Public Libraries throughout the different Counties of the State.

Mr. Gober gave notice of a bill for an Act to provide for Funding the Debt of Santa Clara County.

Mr. Vineyard gave notice of a bill for an Act making State, County and City Indebtedness redeemable in payment of public dues.

Mr. Watkins gave notice of a bill to amend the Act to provide for the sale of the interest of the State of California in the property within the Water Line Front of the City of San Francisco, passed May 18, 1853.

Mr. Taylor gave notice of a bill for an Act to regulate proceedings for the Recovery of Real Estate.

Mr. Johnston, of San Francisco, gave notice of a bill for an Act in relation to Estates of Joint Tenancy.

Mr. Edwards, from the Committee on Judiciary, made the following report :

Mr. Speaker :

The Judiciary Committee have considered the Senate substitute for bill No. 26, concerning filling Vacancies in Office, and report in favor of striking out in

the eleventh and twelfth lines, the words, "or when a vacancy occurs in such board," and this being done would recommend the passage of the bill.

P. L. EDWARDS,

Chairman.

Senate substitute for Assembly bill No. 26, An Act to annul the Forty-Seventh Section of an Act entitled An Act concerning Offices, passed April 28, 1851.

Committee amendments adopted, read third time and passed.

Mr. Edwards made the following report:

Mr. Speaker :

The Judiciary Committee, to whom was referred a petition of the citizens of Shasta County relative to the Salary of the District Attorney of Shasta County, have had the same under consideration, and ask leave to report the same back to the House and recommend its reference to the Delegation from Shasta County.

P. L. EDWARDS,

Chairman.

Adopted.

Mr. Douglas, from the Committee on Agriculture, made the following report:

Mr. Speaker :

The Committee on Agriculture, to which was referred an Act concerning Lawful Fences; also, an Act concerning Trespasses of Animals, have had the same under consideration, and beg leave to suggest to the Judiciary Committee that a clause be inserted in the law creating a Board of Supervisors in each County, granting the power to those Supervisors to establish what shall be a lawful fence in each County, what shall be a free common, and what animals shall run at large; also, granting them the power to prohibit the running at large of all animals; the Committee believing these things to come properly under police regulations.

DOUGLAS,

Of Committee.

Laid on the table.

Mr. Moreland, from the Committee on Engrossments, made the following report:

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed, an Act fixing the times of holding the Terms of the County Courts, Courts of Session and Probate Courts in and for Butte County.

Also, an Act to change the time of holding County and Session Courts in the County of Napa.

THOS. MORELAND,
Chairman.

The following message was received from the Senate.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, yesterday, passed Senate bill No 34, entitled an Act to authorize Married Women to convey Real Estate held by them in their own right.

Also, that they passed a substitute to Assembly bills numbered seventeen and twenty-two, entitled an Act fixing the time of holding the several Courts authorized to be held by the County Judge in the Counties of Shasta and Santa Clara.

Also, that they passed Senate Concurrent Resolution No. 9, regarding the appointment of Clerks and pay of the same.

Also, that they have this day passed Senate bill No. 27, entitled an Act to authorize the Board of Examiners of War Claims to settle and pay the Clerk employed by them to arrange the papers and vouchers connected with said Claims.

WM. A. CORNWALL,
Secretary of Senate.

Senate bill No. 34, An Act to authorize Married Women to convey Real Estate held by them in their own right.

Read first time.

Senate bill No. 36, An Act fixing the time of holding the several Courts authorized to be held by the County Judge in the Counties of Shasta and Santa Clara.

Read first time.

Senate bill No. 27, An Act to authorize the Board of Examiners of War Claims to settle and pay the Clerk employed by them to arrange the papers and vouchers connected with said Claims.

Read first time.

Senate Concurrent Resolution No. 9, regarding the appointment of Clerks and pay of the same.

Referred to the Committee on Ways and Means.

Mr. Kinney presented the following resolution:

Resolved, That the use of this Hall be given to Professor Samuel B. Bell, traveling agent of the Oakland College, on Wednesday evening of this week, for the purpose of lecturing on the subject of Education.

Adopted.

Mr. Farley's resolution of yesterday was taken up as follows:

Resolved, That two thousand additional copies of the Report of the Surveyor

General of this State, be ordered printed for the use of this House, and that five hundred copies of the same be furnished to said Surveyor General to be distributed as he may see proper.

Adopted.

Mr. Ashley moved to take from the table the following resolution:

Resolved, (the Senate concurring) That the two Houses will adjourn *sine die* on Monday, the second day of April, A. D., 1855.

Motion lost.

Mr. Amyx moved to take from the table Senate bill No. 18, An Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several Counties of this State, passed April 11, 1850, passed May 13, 1854.

Agreed to.

Mr. Hosmer moved to strike out "a majority" and insert "one-third."

On which Messrs. Oxley, Amyx and Baker demanded the ayes and noes:

Mr. Oxley demanded a division of the question.

The question being on striking out, the motion was lost by the following vote:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Adkison, Bates, Ferguson, Hosmer, Johnson of El Dorado, Moreland and Ryland—9.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Cory, Clayton, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Doughty, Farley, Ferrell, Flournoy, Foster, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hunt, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, Mellus, Meredith, Murdock, Oxley, Palmer, Phelps, Quinn, Rodgers, Stevens, Smiley, Smith of El Dorado, Taliaferro, Taylor, Updegraff, Watkins, Waite, Wells, Whitney and Mr. Speaker—54.

Mr. Ryland offered a substitute for the second section.

Adopted.

The bill was read a third time and passed.

Mr. Rowe moved, at fifteen minutes past 1 o'clock, that the House take a recess until 2 o'clock, P. M.

Lost.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, Jan. 30, 1855. }

To the Assembly of California :

An Act entitled on Act requiring the Controller to Audit certain Bills of the Members and Officers of the present Legislature, is herewith returned to the House in which it originated, without approval.

The Act requires the Controller to audit, and the Treasurer to pay out of the General Fund which may be on hand, or which may be hereafter received, the per diem and mileage of the members of the present Legislature, to the amount of one thousand dollars each, and to pay the per diem of the officers of said Legislature for sixty days, so soon as their services are rendered and accounts are certified to by the officers of their respective bodies.

Aware that the failure of the State to pay on demand and in cash for services performed, subjects the representatives of the people and all others in her employ to serious inconvenience and loss, if I believed that the Act under consideration remedied the evil, or would materially better their condition, I would willingly give it my approval. In fact, if the amount of cash therein appropriated and set apart were now in the General Fund, it would give me sincere pleasure to assent to the Act becoming a law.

But, in view of the fact that the State Treasurer reports that there is, at this date, no cash in the General Fund, and also that the Controller and Treasurer concur in opinion that for the reason that nearly, if not quite, all the revenue accruing under the last assessment, has been already received and disbursed, a sufficient amount of cash to meet the requirements of the Act will not have accumulated in that fund within seven months, I am satisfied that its approval, so far from benefiting the members and officers of the Legislature, would, in the end, prove injurious to them and to all others directly interested. Injurious, because calculated greatly to weaken public confidence in the ability of the State to promptly meet accruing liabilities, and, of course, cause material depreciation in every description of State indebtedness.

At this date, the total amount of Controller's warrants outstanding, exceeds two hundred thousand dollars.

Most of these warrants were issued for materials and services long since furnished and performed, and the holders of them are, doubtless, desirous and expecting to receive in cash from the General Fund the amount called for on the face of each, which is clearly their right as soon as a sum sufficient for their redemption shall have accumulated. But the Act in question, if approved, would compel the proper officer to postpone the payment of these warrants until each member of the present Legislature shall have received the sum of one thousand dollars, and each officer his per diem for sixty days, amounting, in the aggregate, to about one hundred and fifty thousand dollars.

The knowledge of the existence of such a legislative enactment, it is believed, would not only greatly depreciate Civil Warrants now outstanding, and inflict unnecessary hardship on existing creditors of the State, but would also, in the same degree, depreciate those hereafter to be issued, thus largely increasing State expenditures, for the reason that the amount of such depreciation would, in almost every instance, be added to the cash value of articles furnished or labor performed.

It has been urged in favor of the passage of this Act, that there exists a combination of bankers and brokers, for the purpose of depreciating the Civil Warrants of the State. If it be true, which is by no means certain, that there exists such a combination, the Act under consideration, so far from disbanding

this combination and defeating its objects by rendering less profitable the purchase of State Civil Warrants, will actually effect the depreciation, which, it is alleged, the combination is laboring to produce, and, instead of reducing, will greatly increase the profits arising from the purchase and subsequent redemption of evidences of State indebtedness.

I regret that I cannot, in this matter, co-operate with the representatives of the people, but entertaining the opinion, from which, I feel confident, you will not after more careful inquiry, dissent, that the Act in question will not only fail to afford the relief designed by its passage, but will operate to the prejudice of all interested, by depressing the credit of the State and depreciating every description of State indebtedness, I feel called upon to withhold my approval, and herewith return the Act for your further consideration.

In this connection, and in explanation, it may be proper to state that, on a former occasion, I sanctioned an Act containing similar provisions with the Act herewith returned, but not only was the total amount therein provided for comparatively small, but the greater part of the sum appropriated was actually in the General Fund, and its disposition clearly under the control of the Legislature at the date of the approval of the Act. Now, however, a different state of things exist. The Treasurer, at this date, reports that there is no cash in the General Fund, and the Controller and Treasurer concur in the opinion that there will not be for months to come sufficient cash in the Fund to meet the requirements of the Act. It is proper here to state that, before deciding upon my own action in the premises, I submitted the Act to the Controller and Treasurer of State, with a view of ascertaining the construction by them placed upon its provisions. The Controller stated that he would issue warrants on the General Fund in the usual form, but would, in no case, draw his warrant until service had been actually performed. The Treasurer regarded the Act as requiring him to redeem the warrants in cash, if in the General Fund, but not to apply funds specially set apart by law for other purposes.

I, herewith, also transmit for your information, a statement from the Treasurer of State, exhibiting the amount in the several Funds heretofore specially set apart by law, from which, it will be seen, that, at this date, there is no cash in the General Fund, and that the entire amount of cash now in the Treasury is in Special Funds, to which no reference whatever is made in the Act herewith returned.

As before remarked, I am aware that the failure of the State to pay on demand and in cash, subjects all in her employ to inconvenience and loss. As a remedy for this evil, and one which I am confident would be effective, I would respectfully recommend the passage of an Act requiring the Civil Warrants now outstanding, and all others which may be issued within the present fiscal year, closing on the 30th day of June next to be funded; also, the passage of another Act requiring all Controller's Warrants to be registered and made payable in the order of registry.

The passage of these Acts and a few others curtailing expenditures of Government, it is confidently believed, would not only within the the next thirty days greatly increase the demand for and enhance the market value of all State securities—thus bettering the condition of all the creditors of the State, but would also enable the State, before the close of the fiscal year beginning July 1, 1855, to commence and continue cash payments in all the legitimate expenditures of the State Government.

JOHN BIGLER.

Statement of the Financial Condition of the State Treasury.

TREASURY DEPARTMENT,
Sacramento, Jan. 26, 1855. }

Balance in cash,	-	-	-	-	-	-	-	\$159,352 06
Amount overdrawn on General Fund,	-	-	-	-	-	-	-	27

159,352 33

Interest Fund of '51,	-	-	-	-	-	-	-	\$ 2,153 50
“ “ '52,	-	-	-	-	-	-	-	41,004 51
State Prison Bonds, Interest Fund,	-	-	-	-	-	-	-	6,944 22
Hospital Fund,	-	-	-	-	-	-	-	15,736 28
Insane Asylum Fund,	-	-	-	-	-	-	-	7 27
State Marine Hospital Fund,	-	-	-	-	-	-	-	2,083 67
School Fund,	-	-	-	-	-	-	-	11,114 69
War Fund,	-	-	-	-	-	-	-	11 67
Sinking Fund of '51,	-	-	-	-	-	-	-	80,197 16
State Property Fund,	-	-	-	-	-	-	-	10 08
Estate of Rock, deceased,	-	-	-	-	-	-	-	89 09
E. and O. E.	-	-	-	-	-	-	-	<hr style="width: 100%;"/> 159,352 33

S. A. McMEANS,
State Treasurer.

Mr. Ashley moved to make the message the special order for to-morrow at 11 o'clock A. M.

Not agreed to.

On the question, “ Shall the bill pass notwithstanding the veto of the Governor ? ” the following vote was taken:

Those who voted in the affirmative were—

AYES.

Messrs Andrews, Amyx, Adkison, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Douglas, Doughty, Edwards, Farley, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Kinney, Lincoln, McCutchan, Meredith, Moreland, Oxley, Palmer, Quinn, Rodgers, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Vineyard, Waite and Whitney—47.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Ashley, Buffum, Burke, Cory, Clayton, Cook, Covarrubias, Curtis, Dana, Farwell, Gober, Graves, Gragg, Hunt, Jones, Keys, Knox,

Mellus, Murdock, Phelps, Rowe, Ryland, Taliaferro, Taylor, Updegraff, Watkins, Wells and Mr. Speaker—29.

So the bill was lost, not having received the requisite constitutional majority.

Mr. Farley moved a re-consideration of the vote.

Agreed to.

Mr. Flournoy moved a recess until 2 o'clock, P. M.

Agreed to.

House re-assembled.

The Clerk informed the Senate that the Assembly was ready to meet them in Joint Convention.

The Sergeant-at-Arms announced the President and Senate.

IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. Day, De La Guerra and Mahoney, of the Senate, were absent.

House Roll was called.

Messrs. Brown of Contra Costa, Hunt, McConnell and Vineyard were absent.

Mr. French moved to adjourn *sine die*.

Lost.

The Convention then proceeded to take the thirty-first vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lipincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and Mr. Buffum, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Messrs. Clayton and Phelps, of the Assembly, voted for S. J. Field.

Mr. Ferrell, of the Assembly, voted for C. M. Creaner.

Mr. Ryland, of the Assembly, voted for E. Norton.

Whole number of votes cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Broderick received eleven votes.

Mr. Gwin received thirty-eight votes.

Mr. Edwards received thirty-seven votes.

Mr. McCorkle received fifteen votes.

Mr. McDougal received two votes.

Mr. Field received two votes.

Mr. Norton received one vote.

Mr. Creaner received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to the thirty-second vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, May, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, Palmer, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Goyer, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Mr. Ashley, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Geller, Jones, Rodgers and Wells, of the Assembly.

Mr. Buffum, of the Assembly, voted for S. P. Webb.

Messrs. Clayton and Phelps, of the Assembly, voted for S. J. Field.

Mr. Doughty, of the Assembly, voted for B. Peyton.

Mr. Ferrell, of the Assembly, voted for Mr. Creaner.

Messrs. Graves and Stewart, of the Assembly, voted for R. P. Hammond

Mr. Ryland, of the Assembly, voted for Ed. Norton.

Whole number of votes cast, one hundred and five.

Necessary to a choice, fifty-three.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-six votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received eleven votes.

Mr. McDougal received two votes.

Mr. Webb received one vote.

Mr. Field received two votes.

Mr. Peyton received one vote.

Mr. Creaner received one vote.

Mr. Hammond received two votes.

Mr. Norton received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the thirty-third vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Leake, May, Mandeville, McNeil, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, McCutchan, Palmer, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Tuttle of the Senate, and

Messrs. Cammet, Flournoy, Jones, Rodgers, and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Those who voted Mr. Whitesides were—Mr. Stebbins, of the Senate, and Messrs. Clayton, Gaver, Geller, Kinney and Phelps, of the Assembly.

Mr. Ashley, of the Assembly, voted for Wm Stewart.

Mr. Buffum, of the Assembly, voted for S. P. Webb.

Mr. Doughty, of the Assembly, voted for B. Peyton.

Mr. Ferrell, of the Assembly, voted for Chas. M. Creaner.

Messrs. Graves and Stewart, of the Assembly, voted for Mr. Hammond.

Mr. Ryland, of the Assembly, voted for Ed. Norton.

Mr. Sherrard, of the Assembly, voted for V. E. Geiger.

Whole number of votes cast, one hundred and four.

Necessary to a choice, fifty-three.

Mr. Broderick received eleven votes.

Mr. Gwin received thirty-six votes.

Mr. Edwards received thirty-four votes.

Mr. McCorkle received eight votes.

Mr. Whitesides received six votes.

Mr. McDougal received one vote.

Mr. Stewart received one vote.

Mr. Webb received one vote.

Mr. Peyton, received one vote.

Mr. Creaner received one vote.

Mr. Hammond received two votes.

Mr. Geiger received one vote.

Mr. Norton received one vote.

No election.

Mr. Kendall asked leave of the House to explain that he had paired off with Mr. Mahoney for the day, and that he would have voted for Mr. Gwin, and Mr. Mahoney would have voted for Mr. Broderick, and asked that the explanation be placed upon the Journals.

Leave was granted.

Mr. Flournoy moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Leake, French and Norman, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Burton, Hawks, Hawthorne, Lippincott, May, McCoun, McGarry, Moore, Peck, Rust, Scellen, Sprague and Whiting, of the Senate, and

Messrs. Andrews, Ashley, Baker, Boles, Cory, Coombs, Covarrubias, Cunningham of Sierra, Dana, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Gragg, Hosmer, Hunt, Lincoln, Mellus, Meredith, Moreland, Murdock, Palmer, Rowe, Sherrard, Smith of Marin, Taylor, Updegraff, Vineyard, Watkins and Mr. Speaker, of the Assembly—44.

Those who voted in the negative were—

NOES.

Messrs. Colby, Crenshaw, Day, Flint, French, Gove, Hall, Heintzelman, Hook, Keene, Leake, Mandeville, McFarland, McNeil and Norman, of the Senate, and

Messrs. Amyx, Arrington, Adkison, Bates, Beatty, Bogardus, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cammet, Chase, Clayton, Cook, Cunningham of El Dorado, Curtis, Douglas, Doughty, Farley, Ferrell, Foster, Geller, Gober, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, McCatchan, Phelps, Rodgers, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Stewart, Taliaferro, Waite, Wells and Whitney, of the Assembly—58.

So the Convention refused to adjourn.

The Convention then proceeded to take the thirty-fourth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Leake, Mandeville, May, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCatchan, Palmer, Stevens, Stevenson, Singley, Smith of El Dorado, Taliaferro and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, and Tuttle, of the Senate, and

Messrs. Cammet, Jones, Rodgers, Stewart and Wells, of the Assembly.

Those who voted for Mr. Whitesides were—Mr. Stebbins, of the Senate, and

Messrs. Ashley, Clayton, Doughty, Ferrell, Gaver, Geller, Phelps and Vineyard, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Mr. Buffum, of the Assembly, voted for S. P. Webb.

Mr. Flournoy, of the Assembly, voted for R. P. Hammond.

Mr. Ryland, of the Assembly, voted for Ed. Norton.

Mr. Sherrard, of the Assembly, voted for Mr. Taliaferro.

Whole number of votes cast, one hundred and two.
Necessary to a choice, fifty-two.

Mr. Broderick received eleven votes.
Mr. Gwin received thirty-five votes.
Mr. Edwards received thirty-four votes.
Mr. McCorkle received eight votes.
Mr. Whitesides received nine votes.
Mr. McDougal received one vote.
Mr. Taliaferro received one vote.
Mr. Webb received one vote.
Mr. Hammond received one vote.
Mr. Norton received one vote.

No election

Mr. Chase moved that the Convention adjourn until Friday, February 2.

Upon which the ayes and noes were demanded by Messrs. Keene, Norman and Mandeville, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Hawks, Hawthorne, Lippincott, May, McCoun, McGarry, Moore, Peck, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Arrington, Brown of Contra Costa, Chase, Coombs, Covarrubias, Douglas, Farley, Gragg, Hosmer, Hunt, Meredith, Murdock, Palmer and Waite, of the Assembly—25.

Those who voted in the negative were—

NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, French, Gove, Hall, Heintzelman, Hook, Keene, Leake, Mandeville, McFarland, McNeil, Norman, Rust, Scellen and Tuttle, of the Senate, and

Messrs. Andrews, Amyx, Ashley, Adkison, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Cory, Clayton, Cook, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Duna, Doughty, Ferrell, Flournoy, Ferguson, Foster, Gaver, Gaylord, Geller, Gober, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, Mellus, Moreland, Phelps, Rodgers, Rowe, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Wells, Whitney and Mr. Speaker, of the Assembly—77.

So the motion was lost.

Mr. Arrington moved that the Convention adjourn until to-morrow at 2 o'clock

Upon which the ayes and noes were demanded by Messrs. Leake, Norman and French, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hall, Hawks, Hawthorne, Lippincott, May, McCoun, McFarland, Moore, Peck, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Baker, Boles, Brewton, Cory, Coombs, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Gragg, Hosmer, Hunt, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Ryland, Sherrard, Singley, Smith of El Dorado, Stewart, Taylor, Updegraff, Vineyard, Watkins, Waite, Whitney and Mr. Speaker, of the Assembly—64.

Those who voted in the negative were—

NOES.

Messrs. French, Hook, Keene, Leake, Mandeville, McGarry, McNeil, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Ashley, Bates, Beatty, Bogardus, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cammet, Chase, Clayton, Cook, Farley, Ferrell, Flournoy, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, McCutchan, Rodgers, Rowe, Stevens, Stevenson, Taliaferro and Wells, of the Assembly—36.

So the Convention adjourned until to-morrow at 2 o'clock, P. M.

The Senate withdrew.

On motion, the House adjourned at $\frac{3}{4}$ of an hour after 3 o'clock, P. M.

IN ASSEMBLY.

WEDNESDAY, January 3^d, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called and the following members were absent:

Messrs. Brown of Contra Costa, Farley and Jones.

The Journal of yesterday was read, amended and approved.

Mr. Keys presented a petition from citizens of San Joaquin and Tuolumne

Counties, praying for the passage of a law to prevent Hogs running at large; and, also, to regulate Tolls on grinding.

Read and referred to Committee on Agriculture.

Assembly bill No. 81, An Act to legalize certain Records in San Luis Obispo County.

Read first time and referred to San Luis Obispo and Monterey Delegation.

Assembly bill No. 86, An Act to repeal an Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in the State, passed May 19, 1853.

Read second time and referred to Committee on State Hospital.

Assembly bill No. 87, An Act to provide for the better regulation of Steamboats navigating the waters of this State.

Read second time and referred to Committee on Commerce.

Assembly bill No. 88, An Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State.

Read second time and referred to Committee on Public Lands.

Senate bill No. 27, An Act to authorize the Board of Examiners of War Claims to settle and pay the Clerks employed by them to arrange the papers and vouchers connected with said Claims.

Read second time and referred to Select Committee (Wells, Chairman,) already appointed.

Senate bill No. 34, An Act to authorize Married Women to convey Real Estate held by them in their own right.

Read second time and referred to the Judiciary Committee.

Senate bill No. 36, An Act fixing the times of holding the several Courts authorized to be held by the County Judge in the Counties of Shasta and Santa Clara.

Read second time and referred to Judiciary Committee.

Mr. Doughty introduced a bill for an Act for the better protection of Settlers.

Read first time and ordered printed.

Mr. Johnston, of San Francisco, introduced a bill for an Act in relation to Estates of Joint Tenancy.

Read first time.

Mr. Taylor introduced a bill for an Act to regulate the Recovery of Real Estate.

Read first time.

Mr. Curtis introduced a bill for an Act to compensate William Coats and Samuel R. Weed for reporting the evidence in the Contested Election Case between E. R. Galvin and Samuel McCurdy.

Read first and second time and referred to Committee on Accounts and Expenditures.

Mr. Farley introduced a bill for an Act to provide for printing the Laws, Journals, etc., of the State.

Read first time and ordered printed.

Mr. Curtis gave notice of a bill for an Act requiring the State Treasurer to transfer to the General Fund certain Moneys now in the Sinking Fund, and to provide for the pay of Mileage and per diem of Members and Officers of the present Legislature.

Mr. Taylor gave notice of a bill for an Act to encourage the Incorporation of Saving Institutions and Associations for mutual benefit.

Mr. Oxley, from the Committee on Federal Relations, made the following report:

Mr. Speaker :

The Committee on Federal Relations, to whom was referred Senate Joint Resolutions in relation to the construction of a Breakwater in the Harbor at Crescent City in this State, and requesting our Senators and Representatives in Congress to use their exertions in procuring an appropriation of Seventy-Five Thousand Dollars for defraying the expense of the same, would beg leave to state that they have had the matter under consideration, and report the resolutions back without amendment, and recommend their passage.

THOS. J. OXLEY,
Chairman.

Senate Joint Resolution:

Resolved, (by the Senate and Assembly) That our Senators be instructed and our Representatives be requested to use their exertions to procure an appropriation by Congress of Seventy-Five Thousand Dollars for the construction of a Breakwater in the Harbor at Crescent City in this State.

Resolved, That his Excellency, the Governor, be requested to transmit a copy of the above resolution to each of our Senators and Representatives in Congress.

Read third time and passed.

Mr. Waite made the following report:

Mr. Speaker :

The Committee on Claims having had under consideration Assembly bill No. 64, entitled an Act to provide for the payment of the Salary of W. H. Harvey for the term of time said Harvey may have served as County Judge of the County of Tulare, report the same back and recommend its passage.

Also, Assembly bill No. 72, entitled an Act to refund certain Moneys paid by the citizens of Minesota and St. Louis, in the County of Sierra, report the same back to the House, and recommend its rejection.

WAITE,
Chairman.

Assembly bill No. 64, An Act to provide for the payment of the Salary of W. H. Harvey for the term of time said Harvey may have served as County Judge of the County of Tulare.

Mr. Ryland moved to strike out the second section.

Agreed to.

The bill was read third time and passed.

Assembly bill No. 72, An Act to refund certain Moneys paid by the Citizens of Minesota and St. Louis, in the County of Sierra.

Laid on the table.

Mr. Whitney, from the Committee on Corporations, made the following report:

Mr. Speaker:

The Committee on Corporations, to whom was referred Assembly bill No. 76, have, according to order, had the same under consideration, and have directed me to report the same without any amendment, and recommend its passage.

WHITING,
Chairman.

Assembly bill No. 76, An Act to amend an Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853.

Reported and laid on the table.

Mr. Doughty made the following report:

Mr. Speaker:

The Committee on Public Lands would respectfully report that they are not in possession of sufficient information to make any definite recommendations to the House with regard to the report of the California Land Commissioners, which was referred to their consideration. They beg leave, therefore, to present the following resolution to the House, and respectfully urge its passage.

DOUGHTY,
Chairman.

Resolved, That the Board of California Land Commissioners present to this House, at as early a day as possible, the items of the expenses of the Board, which are stated in their report in more general terms. Also, that they be directed to make inquiries and report to this House within fifteen days from this time, information as to whether there are any land warrants located upon the overflowed lands belonging to this State near the City of San Francisco; and if so, about what amount of land they cover, and in what situations they are located. And, also, information as to the \$373,330, mentioned by the Governor as still due from the Board of Commissioners, and of which no mention is made in their report.

Adopted.

Mr. Gaylord, Chairman of the Committee on Roads and Highways, made the following report:

Mr. Speaker:

The Committee on Roads and Highways having had Assembly bill No. 32 under consideration, report back the bill with a substitute, and recommend the passage of the substitute.

They have also considered Assembly bill No. 51, and report to amend by inserting in section three, fifth line, eight in the place of fifteen, and recommend its passage.

GAYLORD,
Chairman.

Assembly bill No. 32, An Act to authorize J. R. N. Owen, of Butte County, to demand and collect Tolls on what is known as Owen's Turnpike, as reported above.

The substitute was adopted, the bill read third time and passed.

Assembly bill No. 51, An Act authorizing J. Burckhalter to build and construct a Wagon Road from Corbitt's Inn to the Cow and Calf Ranch in the County of Mariposa.

Committee concurred in Mr. Burke's amendment, was adopted, bill read third time and passed.

Mr. Meredith, Chairman of the Committee on Enrollments, made the following report:

Mr. Speaker :

The Committee on Enrollments have examined and find correctly enrolled, an Act to change the name of Francis Sophia Bowen to that of Francis Sophia Burgess, and that of her infant son, Charles French Bowen, to Charles French Burgess.

Also, An Act to repeal an Act concerning County Judges, passed, April 4, 1854, so far as the same extends to the County of San Luis Obispo.

MEREDITH,
Chairman.

Mr. Moreland, from the Committee on Engrossments, made the following report:

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed, An Act to amend an Act entitled an Act concerning County Judges, passed April 4, 1854.

THOS. MORELAND,
Chairman.

Assembly bill No. 79, An Act concerning County Judges, passed April 4, 1854.

Amended, read third time and passed.

Mr. Farwell, Chairman, presented the following report:

Mr. Speaker:

The Committee on Printing, to whom was referred Senate bill No. 19, for an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the expenses of State Printing which exist in the form of unpaid audited accounts, and of printing accounts not yet audited, have had the same under consideration, and report it back without amendment, and recommend its passage.

FARWELL,
Chairman.

Senate bill No. 19, An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the expenses of State Printing which exist in the form of unpaid audited accounts, and of printing accounts not yet audited.

Read third time and passed.

Mr. Rowe, Chairman, made the following report:

Mr. Speaker :

The Committee to whom was referred Assembly bill No. 36, for an Act granting to Edward De Witt and others, the right to construct a Toll-Bridge across • Klamath River, recommend its passage with the accompanying amendments to sections three and five.

ROWE,
Chairman.

Assembly bill No. 36, An Act granting to Edward De Witt and others, the right to construct a Toll-Bridge across the Klamath River.

Amendments concurred in, read third time and passed.

Mr. Amyx introduced the following resolution:

Whereas, Thomas C. Edwards, one of the Pages in the service of the Assembly, is prevented from performing his duties, by physical disability; therefore, be it,

Resolved, That said Thomas C. Edwards have leave of absence until Friday next, the second of February, 1855.

Adopted.

Mr. Curtis introduced the following resolution:

Resolved, That the Treasurer be and he is hereby requested to inform this House, on to-morrow, how much cash will be required in the Sinking Fund to meet principal and Bonds of the State on or before the first day of July, 1856.

Adopted.

Mr. Flournoy introduced a bill for an Act supplementary of an Act entitled an Act concerning County Recorders, passed March, 1851.

Read first and second time (by leave) and referred to the Mariposa Delegation.

The unfinished business of yesterday, being the re-consideration of Assembly bill No. 3, vetoed by the Governor.

Mr. Johnston, of San Francisco, moved the previous question.

Sustained.

The Speaker put the question, "Shall the bill pass notwithstanding the veto of the Governor?"

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Adkison, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Cammet, Cory, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Douglas, Doughty, Edwards, Farley, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Kinney, Lincoln, McCutchan, McConnell, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Quinn, Rodgers, Rowe, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Vineyard, Waite and Whitney—55.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Ashley, Burke, Chase, Clayton, Cook, Curtis, Gober, Graves, Gragg, Hunt, Keys, Knox, Phelps, Ryland, Taliaferro, Taylor, Updegraff, Watkins, Wells and Mr. Speaker—21.

So the bill was passed notwithstanding the veto of the Governor.

Mr. Oxley introduced the following Concurrent Resolution:

Resolved, (by the Assembly, the Senate concurring,) That a Select Joint Committee, consisting of three members from each House, be appointed for the purpose of visiting the State Treasurer's Office and ascertaining the amount of Controller's Warrants redeemed by him since the fifteenth day of January, 1855; and that they be instructed to report at the earliest opportunity, and the names of the persons to whom paid.

Messrs. Oxley, Smith of Marin and Curtis were appointed the Committee on the part of the House.

The following communication was received from the Sergeant-at-Arms.

STATE CAPITOL, }
January 31, 1855. }

To the Hon. the Speaker of the Assembly:

I am at a loss to know how to make out the per diem pay for the Clerks and attachés of the Assembly. I find on the statute book a law of May 15, 1854, fixing the pay of Clerks and attachés, which law was regarded as the law of the State at the last session, and payments made accordingly. That law, by act of the Senate and Assembly at its present session, has been repealed, and other sums fixed as the per diem pay for the Clerks and attachés. The question

which I desire to be informed about, is, whether I shall, as I feel in duty bound to do, make out their pay, up to the date of its repeal, as per law repealed.

Very respectfully,

Your obedient servant,

BLANTON McALPIN,

Sergeant-at-Arms.

On motion, the House took a recess until 2 o'clock, P. M.

House re-assembled.

The Clerk informed the Senate that the Assembly was ready to meet them in Joint Convention.

The Sergeant-at-Arms announced the President and Senate.

IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Mr. De La Guerra, of the Senate, was absent.

The Convention then proceeded to take the thirty-fifth vote.

Those who voted for Mr. D. C. Broderick were—Messrs. Colby, Day, Hall, Lipincott, Mahoney, May, Moore, Sprague and Whiting of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Brewton, Brown of Nevada, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Philip L. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle, were—Messrs. Flint and Rust of the Senate, and

Messrs. Cammet, Flournoy, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Those who voted for Mr. Whitesides were—Mr. Stebbins, of the Senate, and

Messrs. Ashley, Clayton, Doughty, Ferrell, Gaver, Geller, Jones, Kinney and Phelps, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Mr. Buffum, of the Assembly.

Mr. Ryland, of the Assembly, voted for Edward Norton.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received thirteen votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-five votes.

Mr. McCorkle received eight votes.

Mr. Whitesides received ten votes.

Mr. McDougal received two votes.

Mr. Norton received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the thirty-sixth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Tahafferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint and Rust, of the Senate, and

Messrs. Rodgers, Stewart and Wells of the Assembly.

Those who voted for Mr. Whitesides were—Messrs. Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Buffum, Cammet, Clayton, Doughty, Ferrell, Flournoy, Gaver, Geller, Jones, Kinney and Phelps, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Messrs. Brown of Nevada, Burke and Sherrard, of the Assembly, voted for Mr. Geiger.

Mr. Ryland, of the Assembly, voted for E. Norton.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Broderick received thirteen votes.

Mr. Gwin received thirty-seven votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received five votes,

Mr. Whitesides received fourteen votes.

Mr. Geiger received three votes.

Mr. McDougal received one vote.

Mr. Norton received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to the thirty-seventh vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Tahafferro and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint and Rust, of the Senate, and

Messrs. Cammet, Flournoy, Rodgers and Stewart, of the Assembly.

Those who voted for Mr. Whitesides were—Messrs. Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Buffum, Clayton, Doughty, Ferrell, Gaver, Geller, Jones, Kinney, Phelps and Vineyard, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Messrs. Brown of Nevada, and Sherrard, of the Assembly, voted for Mr. Geiger.

Mr. Ryland, of the Assembly, voted for Ed. Norton.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Broderick received thirteen votes.

Mr. Gwin received thirty-six votes.

Mr. Edwards received thirty-seven votes.

Mr. Whitesides received thirteen votes.

Mr. McCorkle received seven votes.

Mr. McDougal received one vote.

Mr. Geiger received two votes.

Mr. Norton received one vote.

No election.

Mr. Flint moved that the Convention adjourn.

Upon which the ayes and noes were demanded by Messrs. French, Flint and Mandeville, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Flint, Hall, Hawthorne, Lippincott, Mahoney, May, McCoun, McGarry, Peck, Rust, Sprague, Stebbins, Tuttle and Whiting, of the Senate, and Messrs. Arrington, Baker, Brown of Nevada, Buffum, Cammet, Clayton, Coombs, Cunningham of Sierra, Curtis, Dana, Douglas, Farley, Farwell, Flournoy, Ferguson, Gaver, Geller, Graves, Gragg, Homer, Hunt, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Sherrard, Stewart, Taylor, Waite and Mr. Speaker, of the Assembly—50.

Those who voted in the negative were—

NOES.

Messrs. Burton, Colby, Crenshaw, Day, French, Gove, Hawks, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeil, Moore, Norman and Scellen, of the Senate, and

Messrs. Andrews, Amyx, Ashley, Adkison, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Burke, Cory, Chase, Cook, Covarrubias, Cunningham of El Dorado, Doughty, Ferrell, Foster, Gaylord, Gober, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCutchan, McConnell, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Updegraff, Vineyard, Wells and Whitney, of the Assembly—59.

So the Convention refused to adjourn.

Mr. Burke, of the Assembly, submitted the following resolution :

Resolved, That this Convention do now adjourn to meet again on Monday the second day of April next.

Mr. McFarland moved that the resolution lie upon the table.

Upon which Messrs. Mandeville, French and Leake demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Burton, Colby, Day, Flint, Gove, Hall, Hawks, Heintzelman, Keene, Lippincott, Mahoney, May, McFarland, Moore, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brewton, Cammet, Cory, Chase, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Dana, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Gober, Hunt, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, Mellus, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Smith of Marin, Stewart, Taylor, Updegraff, Waite, Wells and Mr. Speaker, of the Assembly—65.

Those who voted in the negative were—

NOES.

Messrs. Crenshaw, French, Hawthorne, Hook, Kendall, Leake, Mandeville, McCoun, McGarry, McNeil, Norman, Peck and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Coombs, Cook, Cunningham of El Dorado, Douglas, Doughty, Foster, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, McConnell, Meredith, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Taliaferro, Vineyard, Watkins and Whitney, of the Assembly—44.

So the resolution was laid upon the table.

No person having received a majority of all the votes cast on the thirty-seventh vote, the Convention then proceeded to take the thirty-eighth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnston of San

Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint and Rust, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Jones, Rodgers, Stewart and Wells, of the Assembly.

Those who voted for Mr. Whitesides were—Messrs. Stebbins and Tuttle, of the Senate, and

Messrs. Doughty, Ferrell, Geller, Kinney and Phelps, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Messrs. Ashley and Ryland, of the Assembly, voted for J. P. Crittenden.

Mr. Brown of Nevada, of the Assembly, voted for Mr. Geiger.

Mr. Buffum, of the Assembly, voted for S. P. Webb.

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-four.

Mr. Broderick received thirteen votes.

Mr. Gwin received thirty-three votes.

Mr. Edwards received thirty-eight votes.

Mr. Whitesides received eight votes.

Mr. McCorkle received nine votes.

Mr. Geiger received one vote.

Mr. Webb received one vote.

Mr. McDougal received one vote.

Mr. Crittenden received two votes.

Mr. Flint moved that the Convention do now adjourn.

Upon which Messrs. French, Leake and Norman demanded the ayes and noes, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Flint, Hall, Hawthorne, Heintzelman, Lippincott, Mahoney, May, McGarry, Moore, Rust, Scellen, Sprague, Stebbins, Tuttle and Whiting, of the Senate, and

Messrs. Arrington, Baker, Buffum, Cammet, Covarrubias, Cunningham of Sierra, Curtis, Dana, Flournoy, Ferguson, Geller, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Rowe, Ryland, Sherrard, Smith of Marin, Stewart, Taylor, Whitney and Mr. Speaker, of the Assembly—47.

NOES.

Messrs. Day, French, Gove, Hawks, Hook, Keene, Kendall, Leake, Mandeville, McCoun, McFarland, McNeil, Norman and Peck, of the Senate, and

Messrs. Andrews, Amyx, Ashley, Adkison, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Cory, Chase, Clayton, Coombs, Cook, Douglas, Doughty, Farley, Farwell, Ferrell, Foster, Gaver, Gaylord, Gober, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, Knox, McCutchan, McConnell, Phelps, Quinn, Rodgers, Stevens, Stevenson, Singley, Smith of El Dorado, Taliaferro, Updegraff, Vineyard, Waite and Wells of the Assembly—60.

So the Convention refused to adjourn.

Mr. French moved that the Convention adjourn till the first Tuesday in April next.

Mr. Flint moved that the Convention adjourn.

The question being taken on the motion of Mr. French, it was decided in the negative.

Mr. Waite submitted the following:

Resolved, That this Convention do not adjourn till to-morrow morning at sunrise.

Laid upon the table.

Mr. Tuttle moved that the Convention do now adjourn.

Agreed to.

So the Convention adjourned.

The Senate withdrew.

On motion of Mr. Knox, the House adjourned.

IN ASSEMBLY.

THURSDAY, February 1, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called and the following members were absent:

Messrs. Arrington, Brown of Contra Costa, Cory, Flournoy, Gaver, Johnson of El Dorado, Jones and Vineyard.

The Journal of yesterday was read and approved.

Assembly bill No. 91, An Act in relation to Estates of Joint Tenancy.

Read second time and referred to Judiciary Committee.

Assembly bill No. 92, An Act to regulate proceedings for the recovery of Real Estate.

Read second time and referred to Judiciary Committee.

Assembly bill No. 94, An Act for the better protection of Settlers.

Read second time and referred to Committee on Public Lands.

Mr. Douglas introduced a bill for an Act to repeal and amend the Sixth and Thirteenth Sections of an Act entitled an Act to provide for the Funding the Debt of San Joaquin County, for the payment of the Interest thereon, and for the gradual liquidation of the Debt, approved April 20, 1852.

Read first and second time and referred to the San Joaquin Delegation.

Mr. Curtis introduced a bill to authorize Hugh Slicer, E. Steel, Charles McLaughlin and Henry A. Lochart to construct a Wagon Road from Sacramento Valley to the Town of Yreka, in Shasta Valley, and to regulate Tolls to be collected on the same.

Read first time and referred to Committee on Internal Improvements and ordered printed.

Mr. Curtis gave notice that he will, on to-morrow, introduce a bill for the Relief of the Sheriff of the County of Siskiyou.

Mr. Sherrard gave notice of a bill for an Act extending the provisions of an Act entitled an Act giving the consent of the Legislature of the State of California to the purchase, by the United States, of lands within this State for public purposes, to the grant heretofore made by Thomas O. Larkin and wife, Robert Semple and wife, and Bethuel Phelps, to the United States of certain lands adjoining the City of Benicia.

Mr. Johnston, of San Francisco, gave notice of a bill for an Act to regulate Escheats.

Mr. Taylor gave notice that he will, on to-morrow, introduce a bill to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

Mr. Edwards, from the Judiciary Committee, made the following report:

Mr. Speaker :

The Committee on the Judiciary report that they have considered the Assem-

bly bill entitled an Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, and recommend its rejection.

P. L. EDWARDS,
Chairman.

Assembly bill No. 44, An Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Laid on the table.

Mr. Edwards, from the Committee on Judiciary, made the following report :

Mr. Speaker:

The Judiciary Committee beg leave to report that they have had Assembly bill No. 10, entitled an Act to define more clearly the powers of the Governor in the commutation of sentences of persons convicted of capital offenses and sentenced to death, under consideration, and believing many of the provisions of the bill to be of doubtful constitutionality, recommend its indefinite postponement.

P. L. EDWARDS,
Chairman.

Assembly bill No. 10, An Act to define more clearly the powers of the Governor in the commutation of sentences of persons convicted of capital offenses and sentenced to death.

Indefinitely postponed.

Mr. Edwards, from the Judiciary Committee, made the following report:

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 61, entitled an Act to amend the Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, have had said bill under consideration, and ask leave to report the same back to the House and recommend its passage.

P. L. EDWARDS,
Chairman.

Assembly bill No. 61, An Act to amend the Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Amended, read third time and passed.

Mr. Buffum, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. Speaker:

The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 49, for an Act to declare the Head of Navigation on the Alameda

River, have had the same under consideration, and recommend its passage with the following amendment:

Strike out the second section.

BUFFUM,
Chairman.

Assembly bill No. 49, An Act to declare the Head of Navigation on Alameda River, above reported.

Committee amendments adopted and the bill laid on the table.

Mr. Meredith, Chairman of the Committee on Enrollments, made the following report:

Mr. Speaker :

The Committee on Enrollments presented yesterday to Governor Bigler, for his approval, the following Acts, viz:

An Act to change the name of Francis Sophia Bowen to that of Francis Sophia Burgess, and that of her infant son, Charles French Bowen, to Charles French Burgess.

Also, An Act to repeal an Act concerning County Judges, passed April 4, 1854, so far as the same extends to the County of San Luis Obispo.

MEREDITH,
Chairman.

Mr. Edwards made the following report:

Mr. Speaker:

The Sacramento delegation report that they have considered the Assembly bill No. 75, entitled an Act to authorize the County of Sacramento to Fund the outstanding Warrants drawn against the Court House and Jail Fund of the County, and recommend its passage.

Respectfully, etc.,

P. L. EDWARDS,
H. B. MEREDITH,
J. G. BREWTON,
J. R. VINEYARD.

Assembly bill No. 75, An Act to authorize the County of Sacramento to Fund the outstanding Warrants drawn against the Court House and Jail Fund of the County.

Read third time and passed.

The following message was received from the Senate:

Mr. Speaker :

I am directed to inform the Assembly that the Senate, yesterday, passed As-

sembly bill No. 27, entitled an Act to provide for the payment of the Salary of the County Judge of Sacramento County.

Also, that they passed Assembly Joint Resolution No. 2, relative to the Muniments of Title delivered to the Board of United States Land Commissioners.

WM. A. CORNWALL,
Secretary of Senate.

JANUARY 31, 1855.

Mr. Watkins introduced the following Concurrent Resolution :

Resolved, (by the Assembly, the Senate concurring,) That the Superintendent of Public Buildings is hereby directed to turn over to the Superintendent of Common Schools of Sacramento County, all the old and refuse furniture heretofore used by the Legislature, to be by him applied to the use of Schools in said County as he may direct.

Adopted.

On motion of Mr. Whitney, Assembly bill No. 76, An Act to amend an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853, was taken from the table and re-committed.

Mr. Dana introduced the following resolution:

Resolved, That the Rev. O. C. Wheeler be invited to officiate as Chaplain for this Assembly during the present session:

Mr. Douglas moved to lay upon the table.

Whereupon Messrs. Flournoy, Ferrell and Cunningham of El Dorado, demanded the ayes and noes:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Bates, Beatty, Bogardus, Brown of Contra Costa, Cory, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Douglas, Doughty, Edwards, Ferrell, Ferguson, Gaver, Geller, Graves, Gragg, Kinney, Mellus, Moreland, Murdock, Rowe, Stevenson, Singley and Taliaferro—29.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Ashley, Adkison, Baker, Boles, Brown of Nevada, Buffum, Cammet, Chase, Clayton, Cook, Curtis, Dana, Farley, Farwell, Flournoy, Foster, Gaylord, Gober, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones, Lincoln, McConnell, Meredith, Palmer, Phelps, Quinn, Rodgers, Sherrard, Smith of El Dorado, Taylor, Updegraff, Vineyard, Watkins, Waite and Wells—38.

So the motion was lost.

Mr. Buffum offered the following amendment:

Provided, however, that he receive no compensation for the same.

Mr. Cook moved that the question be postponed until May next.

Mr. Ashley moved to postpone indefinitely.

Mr. Farwell moved the previous question.

Sustained.

On Mr. Cook's motion the ayes and noes were demanded.

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Baker, Bates, Beatty, Bogardus, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Douglas, Doughty, Farwell, Ferrell, Ferguson, Gaver, Gaylord, Geller, Gragg, Johnson of El Dorado, Keys, Kinney, McCutchan, Moreland, Murdock, Palmer, Quinn, Rowe, Stevenson, Singley, Smith of Marin, Stewart, Taliaferro, Watkins, Waite, Wells, and Mr. Speaker—44.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Adkison, Boles, Brewton, Brown of Nevada, Chase, Clayton, Dana, Edwards, Farley, Flourney, Foster, Gober, Hosmer, Johnston of San Francisco, Jones, Lincoln, McConnell, Meredith, Oxley, Phelps, Rodgers, Stevens, Sherrard, Smith of El Dorado, Taylor, Updegraff, Vineyard and Whitney—30.

So the motion to postpone was carried.

Mr. Ashley moved to re-consider the vote just taken.

Lost.

The House took a recess until 2 o'clock, to meet in Joint Convention.

House re-assembled.

The Clerk informed the Senate that the Assembly was ready to meet them in Joint Convention.

The Sergeant-at-Arms announced the President and Senate.

IN CONVENTION.

The two Houses met in the Hall of the Assembly in Joint Convention, to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Mr. De La Guerra was absent.

Mr. Gober offered the following resolution:

Resolved, That when this Convention has balotted fifty times for United States Senator to take the place of Hon. Wm. M. Gwin, and if no election be then had, that this Convention do then adjourn *sine die*.

On motion of Mr. Chase, it was laid on the table.

The Convention then proceeded to take the thirty-ninth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, Heintzelman, Hook, Keene, Kendall, 'Leake, May, Mandeville, McNeil, Norman of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McCounell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, French, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust and Stebbins, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Messrs. Tuttle, of the Senate, and Clayton and Phelps, of the Assembly, voted for S. J. Field.

Messrs. Ashley and Ryland, of the Assembly, voted for H. W. Halleck.

Mr. Brown of Nevada, of the Assembly, voted for V. E. Geiger.

Mr. Buffum, of the Assembly, voted for S. P. Webb.

Messrs. Ferrell and Geller, of the Assembly, voted for Mr. Whitesides.

Whole number of votes cast, one hundred and nine.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-six votes.

Mr. McConkle received twelve votes.

Mr. McDougal received one vote.

Mr. Field received three votes.

Mr. Halleck received two votes.

Mr. Geiger received one vote.

Mr. Whitesides received two votes.

Mr. Webb received one vote.

Mr. Kinney offered the following resolution:

Resolved, That when this Convention adjourn it adjourn to meet on Tuesday next at two o'clock, and that the Convention continue to meet on Tuesdays and Thursdays of each week, at the hour of two o'clock, until an election for Senator be had, or this Convention adjourn *sine die*.

On motion of Mr. McFarland, it was laid on the table.

On motion of Mr. Stevenson, the Convention adjourned until Tuesday next, the sixth of February, at 2 o'clock.

The Senate withdrew.

The following communication was received from the State Treasurer:

STATE TREASURY DEPARTMENT, }
Sacramento, Feb. 1, 1855. }

To the Hon. the Speaker of the Assembly:

In reply to a resolution requesting the State Treasurer to furnish this House, on to-morrow, with information as to the probable amount that will be required in the Sinking Fund to meet principal and bonds of the State, on or before the first day of July, 1856, I beg leave to answer:

The amount of the Funded Debt now outstanding is, -	-	\$1,580,500 00
One and half year's interest on same, including interest due		
School Fund, (\$464,000) -	-	214,672 50
		<hr/>
		1,795,172 50
Deduct in various Funds, -	-	116,000 00
		<hr/>
Amount desired by resolution, -	-	\$1,679,172 50

I am, with much respect,
Your obedient servant,

S. A. McMEANS,
State Treasurer.

Laid upon the table.

The House, on motion of Mr. Knox, adjourned.

IN ASSEMBLY.

FRIDAY, February 2, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called and the following members were absent:

Messrs. Flournoy, Foster, Johnson of El Dorado, Jones, Kinney, Knox, Stevenson and Stewart.

Leave of absence was granted to Mr. Foster for two days, and to Messrs. Johnson, of El Dorado, and Stevenson for three days.

The Journal of yesterday was read and approved.

A petition of citizens of Diamond Springs on the subject of Gardening, was read and referred to Committee on Agriculture.

Assembly bill No. 89, An Act to provide for the Printing of the Laws and Journals, etc., of the State.

Read second time and referred to the Committee on Printing.

Mr. Coombs introduced a bill for an Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

Read first time

Mr. Taylor introduced a bill for an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

Read first time.

Mr. Burke gave notice that he would introduce a bill for an Act to amend

an Act entitled an Act to Fund the Debt of the County of Mariposa, and provide for the payment of the same, passed May 15, 1854.

Mr. Keys presented a report of the Board of Trustees of the State Insane Asylum, etc.

Referred to Committee on State Hospitals, with instructions to report as to printing, etc.

Mr. Whitney, Chairman of Committee on Corporations, presented the following report:

Mr. Speaker:

The Committee on Corporations, to whom was re-committed Assembly bill No. 76, have, according to order, had the same under consideration, and have directed me to report the same, with the following amendment.

WHITNEY,
Chairman.

Adopted.

Assembly bill No. 76, An Act to amend an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853, above referred to as amended was adopted.

Mr. Amyx moved to lay on the table.

Lost.

Bill was ordered engrossed.

Mr. Mellus, Chairman of Committee on Accounts and Expenditures, made the following report:

Mr. Speaker:

The Committee on Accounts and Expenditures, to which was referred the Act to compensate William Coats and Samuel R. Weed for reporting the evidence in the Contested Election Case, between E. R. Galvin and Samuel McCurdy, begs leave to report as follows:

That the Act was not properly worded, and offer, as a substitute, the accompanying Act, and recommend its passage.

MELLUS,
Chairman.

Assembly bill No. 93, An Act to compensate William Coats and Samuel R. Weed for reporting the evidence in the Contested Election Case, between E. R. Galvin and Samuel McCurdy.

Substitute reported by the Committee was adopted.

Mr. Quinn moved to strike out fifty and insert twenty-five.

Lost.

Mr. Ferrell moved to lay on the table.

Lost.

The bill was considered engrossed, read third time and passed.

Mr. Meredith, Chairman of Committee on Enrollments, made the following report:

Mr. Speaker :

The Joint Committee on Enrollments have examined and find correctly enrolled, An Act to provide for the payment of the Salary of the County Judge of Sacramento County.

H. B. MEREDITH,
Chairman.

Mr. Moreland, from the Committee on Engrossments, made the following report:

Mr. President :

The Committee on Engrossments have examined and find correctly engrossed an Act to provide for the payment of the Salary of W. H. Harvey for the term of time said Harvey may have served as County Judge of the County of Tulare.

Also, An Act granting to Edward De Witt and others the right to construct a Toll-Bridge across the Klamath River.

Also, An Act to authorize J. R. N. Owen, of Butte County, to demand and collect Tolls on what is known as Owen's Turnpike.

Also, An Act to authorize J. Buckhalter and such others as he may associate with him, to build and construct a Wagon Road from Corbitt's Inn to the Cow and Calf Ranch in the County of Mariposa.

THOS. MORELAND,
Chairman.

Mr. Douglas made a verbal report of Assembly bill No. 96, An Act to repeal the Sixth Section of an Act entitled an Act to provide for Funding the Debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the Debt, approved April 20, 1852, and to amend the thirteenth section of the same.

Ordered engrossed.

On motion of Mr. Ryland, a Select Committee of three was appointed to report rules regulating the different readings and engrossment of bills.

Messrs. Ryland, Rodgers and Gober were appointed the Committee.

Mr. Wells, Chairman, made the following report:

Mr. Speaker:

The House portion of the Joint Select Committee appointed to examine and destroy the redeemed Controller's Warrants for the year, A. D., 1854, beg leave to report that, in their opinion, they have not authority to act upon Senate bill No. 27, while said bill was referred to said Select Committee on the 31st ult.; they, therefore, herewith report the same back to the House and recommend its reference to the Committee on Indian Affairs.

WELLS,
Chairman.

Mr. Stevenson made the following report:

Mr. Speaker :

The Calaveras Delegation, to whom was referred Assembly bill No. 80, relative to an Act for the support and maintenance of the Indigent Sick of Calaveras County, having had the same under consideration, report the bill back to the House and recommend its passage.

STEVENSON,
Of Delegation.

Assembly bill No. 80, An Act for the support and maintenance of the Indigent Sick of Calaveras County, above reported.

Amended and ordered engrossed.

Mr. Edwards made the following report:

Mr. Speaker :

The Committee on the Judiciary, to whom was referred the communication of the Sergeant-at-Arms of this Assembly, directed to the Speaker, dated January 31, 1855, have considered the same, and instructed me to report the accompanying Concurrent Resolution, and recommend its adoption.

Respectfully submitted,

P. L. EDWARDS,
Chairman.

The following resolution as above reported:

Resolved, (by the Assembly, the Senate concurring,) That the Controller of State be directed and required to audit and allow the per diem pay of the officers and attachés of the Senate and Assembly under and according to the statute of this State, passed May 15, 1854, entitled an Act to amend an Act concerning the per diem of officers of the Senate and Assembly, passed January twenty-first, eighteen hundred and fifty-four, until the date of its repeal.

Adopted.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, Jan. 31, 1855. }

To the Assembly of California :

I have this day approved the following Acts which originated in the Assembly, viz:

An Act entitled an Act to change the name of Francis Sophia Bowen to that of Francis Sophia Burgess, and that of her infant son, Charles French Bowen, to Charles French Burgess.

Also, An Act entitled an Act to repeal an Act concerning County Judges, so far as the same extends to San Luis Obispo County.

JOHN BIGLER.

On Motion of Mr. Ryland, Assembly bill No. 33, An Act concerning Lawful Fences and trespassing of animals on private property, was taken from the table.

On motion of Mr. Baker, the House resolved into a Committee of the Whole.

Mr. Taliaferro in the chair.

Considered the bill, rose, reported it back to the House, recommended its reference to a Committee of fifteen and were discharged.

On motion of Mr. Douglas, all bills relating to Estrays, Fences and Animals trespassing on private property, was referred to the same Committee.

The Speaker appointed the following Committee:

Select Committee of Fifteen on Agriculture.—Messrs Douglas, Gober, Keys, Ryland, Brown of Contra Costa, Cook, Johnson of El Dorado, Stewart, Singley, Jones, Watkins, Ashley, Doughty, Baker and Updegraff.

Mr. Ryland offered the following resolution:

Resolved, That the Committee on Accounts and Expenditures be instructed to report upon the bills before them concerning salaries of officers and pay of members of the Legislature, at an early day.

Adopted.

On motion, Mr. Boles was added to the Committee on Vice and Immorality and County Boundaries.

Mr. Cunningham, of Sierra, introduced a bill for an Act authorizing and empowering J. Murrah to sell and convey certain property.

Read first time.

Mr. Flournoy introduced a bill for an Act to create Commissioners or Agents to proceed to Washington City and place before the Secretary of War the accounts and vouchers connected with the Indian War Debt of this State.

Read first time.

On motion of Mr. Douglas, the Treasurer's report was taken from the table, and again laid on the table.

The House then adjourned.

IN ASSEMBLY.

SATURDAY, February 3, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called and the following members were absent:

Messrs. Brown of Nevada, Chase and Coombs.

Leave of absence was granted to Messrs. Buffum, Cammet, Dana, Doughty, Farwell, Rodgers and Taliaferro for two days each, and to Messrs. Burke and Ryland for three days each, and to Mr. Graves for ten days.

Mr. Gober moved to adjourn until Tuesday.

Messrs. Flournoy, Watkins and Oxley demanded the ayes and noes:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Ashley, Baker, Beatty, Cory, Clayton, Cook, Cunningham of El Dorado, Curtis, Edwards, Farley, Gaver, Hunt, Johnston of San Francisco, Mellus, Meredith, Moreland, Murdock, Oxley, Sherrard, Smith of Marin, Stewart, Taylor, Vineyard, Watkins, Whitney and Mr. Speaker—28.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Adkison, Bates, Bogardus, Boles, Brewton, Beatty, Brown of Contra Costa, Burke, Covarrubias, Cunningham of Sierra, Douglas, Ferrell, Flournoy, Ferguson, Gaylord, Geller, Gober, Gragg, Jones, Keys, Knox, Lincoln, McCutchan, McConnell, Palmer, Phelps, Quinn, Rowe, Stevens, Singley, Smith of El Dorado, Updegraff, Waite and Wells—35.

So the motion was lost.

The Journal of yesterday was read and approved.

Mr. Adkison presented a petition for the suppression of Gambling.

Read and referred to Select Committee previously appointed (Buffum Chairman).

Assembly bill No. 97, An Act to amend an Act entitled an Act dividing the State into Counties, and to establish the Seats of Justice therein, passed April 25, 1851.

Read second time and referred to Sonoma, Solano and Yolo Delegations.

Assembly bill No. 98, An Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

Read second time and referred to Judiciary Committee.

Assembly bill No. 99, An Act authorizing and empowering Margaret J. Murrah to sell and convey certain property.

Read second time and referred to Sierra Delegation.

Assembly bill No. 100, An Act to create a Commissioner or Agent to proceed to Washington City and place before the Secretary of War the accounts and vouchers connected with the Indian War Debt of this State.

Read second time and referred to Select Committee of five.

Messrs. Flournoy, Johnston of San Francisco, Murdock, Waite and Sherrard were appointed the Committee.

Mr. Sherrard introduced a bill for an Act extending the provisions of an Act entitled an Act giving the consent of the Legislature of the State of California to the purchase by the United States of land within this State for public purposes, to the grant heretofore made by Thomas O. Larkin and wife, Robert Semple and wife, and Bethuel Phelps, to the United States of certain land adjoining to the City of Benicia.

Read first and second time and referred to Committee on Federal Relations.

Mr. Murdock introduced a bill for an Act to provide for the disposal of Town Lots in the Towns and Villages on the public lands in the County of Humboldt.

Read first time.

Mr. Keys introduced a bill for an Act for the Relief of the State Insane Asylum.

Read a first and second time and referred to the Committee on State Hospitals.

Mr. Arrington introduced a bill for an Act concerning County Officers.

Read first time.

Mr. Phelps gave notice that he would, at an early day, introduce a bill for an Act to prohibit Noisy Amusements on the Sabbath.

Mr. Johnston, of San Francisco, gave notice that he would, at an early day, introduce a bill for an Act to amend an Act entitled an Act concerning the Office of State Treasurer.

Mr. Watkins introduced a bill for an Act supplementary to and amendatory of an Act entitled an Act to provide for the sale of the Interest of the State of California in the property within the Water Line Front in the City of San Francisco, passed May 18, 1853.

Read first time and ordered printed.

Mr. McCutchan gave notice that he would, at an early day next week, introduce a bill concerning Corporations.

Mr. Arrington gave notice that he would, at an early day, introduce a bill to divide the Senatorial District now composed of the Counties of Klamath, Siskiyou, Trinity and Humboldt.

Mr. Douglas, Chairman, made the following report:

Mr. Speaker:

The Committee on Ways and Means, to which was referred the Senate Concurrent Resolution in regard to duties of officers of the Legislature, have had the same under consideration, report it back without amendment and recommend its passage.

DOUGLAS,
Chairman.

Senate Concurrent Resolution, referred to above, regarding the appointment of Clerks and pay of the same.

Concurred in by the House.

Mr. Bates made the following report:

Mr. Speaker :

The Hospital Committee, to whom was referred the printing of the report of the Treasurer of the State Insane Asylum for the year 1854, and, also, the report of the Board of Trustees of the State Insane Asylum, and of the Resident Physician of said Asylum of the State of California, beg leave to report and recommend that two thousand copies be printed, (each report in one pamphlet), with the exceptions of that portion of the Resident Physician's report relating to meteorological observations.

BATES,
Chairman.

On motion of Mr. Jones, it was amended by striking out "two thousand" and inserting "five hundred" copies.

And the report was adopted.

Mr. Mellus, Chairman, made the following report:

Mr. Speaker :

The Committee on Accounts and Expenditures, to which was referred Assembly bill No. 19, entitled an Act concerning the Salaries of Officers and Pay of Members of the Legislature.

Also, Assembly bill No. 82, entitled an Act concerning the Salaries of Officers.

Also, Assembly bill No. 83, entitled an Act concerning the Salaries of Officers.

Also, Assembly bill No. 84, entitled an Act concerning the Pay of Members of the Legislature, beg leave to make the following report:

That Assembly bill No. 19, entitled an Act concerning the Salaries of Officers and Pay of Members of the Legislature, is included, in all its points, in the three accompanying substitutes to Assembly bill numbers 82, 83 and 84, passage of which is recommended.

MELLUS,
Chairman.

The above report and accompanying substitutes was made special order for Tuesday next at 12 o'clock, M.

Mr. Gaylord made the following report:

Mr. Speaker :

The Committee on Roads and Highways have had Assembly bill No. 77

under consideration, entitled an Act authorizing James Galloway to construct a Turnpike Road from Forest City to Camptonville, and collect Tolls on the same, and report to amend by inserting ten years instead of fifteen years; and also report a substitute for section four, which is submitted, and recommend the passage of the bill with accompanying substitute inserted.

GAYLORD,
Chairman.

Assembly bill No. 77, above reported.
Committee amendments adopted and ordered engrossed.

Mr. Meredith made the following report:

Mr. Speaker :

The Committee on Enrollments presented to Governor Bigler, yesterday, for his approval, an Act to provide for the payment of Salary of the County Judge of Sacramento County.

H. B. MEREDITH,
Chairman.

Mr Moreland, from the Committee on Engrossments, made the following report:

Mr. Speaker:

The Committee on Engrossment have examined and find correctly engrossed An Act to authorize the County of Sacramento to Fund the outstanding Warrants drawn against the Court House and Jail Fund of the County.

Also, An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

And, also, An Act to amend an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853.

THOS. MORELAND,
Chairman.

Assembly bill No. 76, An Act to amend an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853.
Laid on the table.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate, yesterday, passed a memorial to the Congress of the United States, and a Concurrent Resolution in relation to an Overland Mail and Wagon Road across the Territory lying between the Mississippi Valley and the Pacific Coast.

WM. A. CORNWALL,
Secretary of Senate.

Memorial in relation to an Overland Mail, (received from the Senate,) was laid over for consideration until Tuesday next.

The following communication was received from the State Treasurer:

STATE TREASURY DEPARTMENT, }
Sacramento, Feb. 2, 1855. }

To the Hon. the Speaker of the Assembly:

In reply to Assembly resolution requesting information as to the probable amount that will be required in the Sinking Fund to meet principal and bonds of the State on or before the first day of July, 1856, I beg leave to answer:

Outstanding Bonds, due March 1, 1855, -	-	-	-	-	-	\$109,000
Interest due on same, -	-	-	-	-	-	1,300
						<hr/> \$110,300
Outstanding Bonds due March 1, 1861, -	-	-	-	-	-	\$171,500
" " " 1870, -	-	-	-	-	-	1,394,000
State Prison Bonds, -	-	-	-	-	-	15,000
Amount due School Fund for sales of land, -	-	-	-	-	-	464,000
						<hr/>
Total, -	-	-	-	-	-	\$2,044,500

I have forwarded to New York to meet the principal and interest of the bonds due first of March next, the sum of one hundred and ten thousand three hundred dollars, which provides for their entire redemption.

Aside from this, the Funded Debt of the State, bearing interest at the rate of seven per cent. per annum, amounts to two millions forty-four thousand five hundred dollars.

To meet the bonds due March 1, 1861, there is now in the Treasury the sum of sixty-six thousand five hundred dollars.

To meet the same annual interest due July next, there is now in the Treasury the sum of forty-eight thousand dollars, leaving a deficit of seventy-three thousand five hundred and fifty-seven dollars and fifty-seven cents to meet the interest due in July next on the Funded Debt.

However, it is probable that that amount will be received before the time it will be required; but after the first of July there will be no payments into the Interest Funds until the first of January next, all the revenue of the July and October payments being derived from Foreign Miner's Licenses, and no part of which is appropriated to the Interest Funds, leaving the interest due at that time wholly unprovided for.

I have the honor to be,

Very respectfully,

Your obedient servant,

S. A. McMEANS,

State Treasurer.

A communication was received from the Secretary of State relative to contracts for Furniture, etc.

Read and referred to Committee on Accounts and Expenditures with instructions to report a bill at an early a day as practicable.

Mr. Wells, Chairman of Select Committee, made the following report:

Mr. Speaker:

The Select Committee of five upon the Census, beg leave to report that they have had under consideration Assembly bill Nos. 46, 47 and 65 and report all of said bills back to the House and recommend that Assembly bill No. 65 pass without amendment, and that Assembly bills Nos. 46 and 47 do not pass.

Respectfully submitted,

WELLS,
Chairman.

Made special order for Thursday next, 12 o'clock M.

Mr. Burke, Chairman, made the following report:

Mr. Speaker :

The Committee on Indian Affairs, to whom was referred Senate bill No. 27, to authorize the Board of Examiners of Indian War Claims to settle and pay for work done in connection with said Claims, would report that, having examined the subject, and finding that the work was absolutely necessary, that it has been well done, that the Clerk ought to be paid, and, therefore, recommend that the bill pass.

BURKE,
Chairman.

Senate bill No. 27, above reported.

Read a third time, and, on motion, was laid on the table.

Mr. Flournoy, Chairman, made the following report:

Mr. Speaker :

The Committee on Vice and Immorality, to which was referred a bill entitled an Act to prohibit carrying Concealed Weapons, have had the same under consideration, and ask leave to report it back to the House and recommend its passage.

FLOURNOY,
Chairman.

Assembly bill No. 20, above reported.

On motion, was laid on the table.

Mr. Flournoy introduced a bill for an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 15, 1854.

Read first and second time and referred to Judiciary Committee.

Mr. Johnston, of San Francisco, introduced the following resolution:

Resolved, (the Senate concurring) That the Treasurer of State be and he is hereby required to report to the Senate and Assembly, at an early day, the financial operations and condition of the State Treasury up to the first day of February, 1855.

Adopted.

Mr. Waite offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to inform the House, at as early a time as practicable, at what rates he has made arrangements with the Express Companies to carry mailable matter from members to and from such places where mail facilities exist; and, also, what rates to such other places not accessible by mail.

Laid upon the table.

On motion of Mr. Farley, the House adjourned until Tuesday next at 11 o'clock, A. M.

IN ASSEMBLY.

TUESDAY, February 6, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called and the following members were absent:

Messrs. Dana and Taylor.

Leave of absence was granted to Messrs. Dana and Taylor for one day.

The Journal of Saturday was read and approved.

Mr. Phelps presented a petition for the suppression of all barbarous or noisy amusements, exhibitions, etc., on the Sabbath.

Read and referred to Committee on Vice and Immorality.

Mr. Foster presented a petition from the citizens of Mud Springs, El Dorado County, for the better protection of those engaged in Horticultural pursuits in Mining Districts.

Read and referred to Committee on Agriculture.

Mr. Buffum presented a petition from citizens of the City and County of San Francisco for the extension of the jurisdiction of Justice of the Peace of said City and County.

Read and referred to a Select Committee of five.

Messrs. Buffum, Taylor, Rodgers, Hosmer and Watkins the Committee.

Mr. Farwell presented a petition from citizens of San Francisco relative to Funding the indebtedness of said City.

Read.

Mr. Bates presented a petition asking the passage of a law prohibiting the Immigration of Chinese into this State

Read and referred to Select Committee of five, consisting of Messrs. Bates, Wells, Cory, Amyx and Waite.

Mr. Boles presented a petition from citizens of El Dorado relative to a division of the County.

Read and referred to El Dorado and Amador Delegations.

Mr. Cunningham, of El Dorado, presented a remonstrance from citizens in El Dorado County in opposition to a division of the County.

Read and referred to same Delegation.

Mr. Stewart presented a petition from ladies of Sonoma County for the enactment of a prohibitory liquor law.

Read and referred to Committee on Vice and Immorality.

Mr. Smith presented a petition from the ladies of Cold Springs, El Dorado County, praying the passage of an Act repealing the Act now in force in this State granting license to keep Gambling Houses.

Read and referred to Select Committee (Mr. Buffum, Chairman.)

Mr. Farley presented a petition from citizens of Amador County, relative to the annexation of a portion of El Dorado County.

Read and referred to El Dorado and Amador Delegations.

Mr. Burke presented a petition from citizens of the State for the passage of a prohibitory liquor law.

Read and referred to Committee on Vice and Immorality

Assembly bill No. 101, An Act supplementary to and amendatory of an Act entitled an Act to provide for the sale of the interest of the State of California in the property within the Water Line Front in the City of San Francisco, passed May 18, 1853.

Read second time and referred to Committee on Public Lands.

Assembly bill No. 105, An Act to provide for the disposal of Lots in the Towns or Villages on the public lands in the County of Humboldt.

Read second time and referred to Committee on Public Lands.

Assembly bill No. 106, An Act concerning County Officers.

Read second time and referred to Judiciary Committee and ordered printed.

Mr. Keys introduced a bill for an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853.

Read first time.

Mr. Updegraff introduced a bill for an Act to amend an Act entitled an Act to regulate Fees in Office, passed May 1, 1851.

Read first time.

Mr. Waite introduced a bill for an Act amendatory of and supplementary to an Act entitled an Act to regulate Elections, passed March 23, 1850.

Read first time.

Mr. Phelps introduced a bill for an Act to prohibit Barbarous and Noisy Amusements on the Christian Sabbath.

Read first time.

Mr. Boles introduced a bill for an Act to extend an Act for the protection of Game, passed May 1, 1852, to the Counties of Shasta and Trinity.

Read first time.

Mr. Murdock gave notice that he would introduce a bill amending an Act

entitled an Act concerning fraudulent Conveyances and Contracts, passed April 19, 1850.

Mr. Edwards, from the Judiciary Committee, made the following report:

Mr. Speaker :

The Committee on the Judiciary, to whom was referred the Assembly bill No. 15, entitled an Act to amend an Act entitled an Act defining the time for commencing Civil Actions, passed April 22, 1850, have considered the same and instruct me to report the same back to the House, with the several amendments thereto attached, and, when amended as proposed, they recommend its passage.

Respectfully,

P. L. EDWARDS,
Chairman.

Assembly bill No. 15, above referred to, an Act to amend an Act defining the time for commencing Civil Actions, passed April 22, 1850,
Amendments concurred in and bill re-committed.

Mr. Edwards, from the Committee on Judiciary, made the following report :

Mr. Speaker :

The Committee on the Judiciary report that they have considered the Senate bill No. 34, entitled an Act to authorize Married Women to convey Real Estate held by them in their own right, and recommend its passage without amendment.

Respectfully, etc.,

P. L. EDWARDS,
Chairman.

Senate bill No. 34, An Act to authorize Married Women to convey Real Estate held by them in their own right.

Read a third time and passed.

Mr. Oxley, Chairman, made the following report:

Mr. Speaker :

The Committee on Federal Relations, to which was referred Assembly bill No. 104, for an Act extending the provisions of an Act entitled an Act giving the consent of the Legislature of the State of California to the purchase by the United States of land within the State for public purposes, to the grants heretofore made by Thomas O. Larkin and wife, Robert Semple and wife, and Bethuel Philips, to the United States of certain land adjoining the City of Benicia, beg leave to state that they have had the matter under careful consideration, together with certified copies of the original deed to said property, and

other accompanying documents and correspondence in regard to the same, and I am instructed to report the bill back to the House, without amendments, and recommend its passage at the earliest opportunity.

OXLEY,
Chairman.

Assembly bill No. 104, An Act extending the provisions of an Act entitled an Act giving the consent of the Legislature of the State of California, to the purchase by the United States of land within this State for public purposes, to the grant heretofore made by Thomas O. Larkin and wife, Robert Semple and wife, and Bethuel Philips, to the United States of certain land adjoining the City of Benicia.

Ordered engrossed.

Mr. Meredith, Chairman, made the following report:

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled Assembly Joint Resolution No. 2, relative to the Muniments of Title delivered to the Board of United States Land Commissioners.

Also, An Act to fix the time for holding the Terms of the District Court of the Second Judicial District of this State.

H. B. MEREDITH,
Chairman.

Mr. Moreland, Chairman, made the following report:

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed, an Act for the support and maintenance of the Indigent Sick of Calaveras County.

Also, An Act to compensate William Coates and Samuel R. Weed for reporting the evidence in the Contested Election Case between E. R. Galvin and Samuel McCurdy.

Also, An Act to repeal the sixth section of an Act entitled an Act to provide for Funding the Debt of San Joaquin County, for the payment of the interest due thereon, and for the gradual liquidation of the Debt, approved April 20, 1852, and to amend the thirteenth section of the same.

THOS. MORELAND,
Chairman.

Assembly bill No. 80, An Act for the support and maintenance of the Indigent Sick of Calaveras County.

Read third time and passed.

Assembly bill No. 96, An Act to repeal the sixth section of an Act entitled an Act to provide for Funding the Debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the Debt, approved April 2, 1852, and to amend the thirteenth section of the same.

Read third time and passed.

Mr. Cunningham, of Sierra, made the following report:

Mr. Speaker:

The Sierra Delegation, to whom was referred Assembly bill No. 99, would beg leave to report the same back to the House, and recommend its passage.

A. C. CUNNINGHAM,
WM. FERGUSON.

Assembly bill No. 99, An Act authorizing and empowering Margaret J. Murrah to sell and convey certain property.

Laid on the table.

The following message was received from the Senate:

Mr. Speaker :

I am directed to inform the Assembly that the Senate, on the 31st ultimo, concurred in the amendment made by the Assembly to the substitute for Assembly bill No. 26, entitled an Act to amend the Forty-Seventh Section of an Act entitled an Act concerning Officers, passed April 28, 1851.

Also, that they concurred in the amendment made by the Assembly to Senate bill No. 18, entitled an Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several Counties of this State, passed April 11, 1850, passed May 13, 1854.

Also, that they passed yesterday, notwithstanding the objections of the Governor, Assembly bill No. 3, entitled an Act requiring the Controller to Audit certain Bills of the Members and Officers of the present Legislature.

Also, that they passed, yesterday Assembly bill No. 48, entitled an Act to fix the times for holding the Terms of the District Court of the Second Judicial District of this State.

Also, that they passed, yesterday, Senate bill No. 28, entitled an Act concerning Appeals in certain Cases.

WM. A. CORNWALL,
Secretary of Senate.

Senate bill No. 28, a bill concerning Appeals in certain Cases.

Read first time.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on Saturday last, passed Assembly bill No. 68, entitled an Act to change the time of holding County and Session Courts in the County of Napa, with an amendment to the title of the bill herewith submitted.

Also, that they passed a Concurrent Resolution instructing the Chairman and two of the members of the Standing Committees on Hospitals in each House, to visit the State Marine Hospital at San Francisco, and investigate the affairs of that institution.

Also, that they passed Senate bill No. 48, entitled an Act appropriating money to pay Postage.

Amendments to title of Assembly bill No. 68, strike out the words "County and Session," and insert, in lieu thereof, the words "Courts of Sessions and County."

In Senate, Feb. 3, 1855, adopted.

WM. A. CORNWALL,
Secretary of Senate.

Assembly bill No. 68, An Act to change the time of holding Courts of Sessions and County Courts in the County of Napa.

Senate amendment concurred in.

Senate Concurrent Resolution for the appointment of a Committee to visit the State Marine Hospital.

Taken up for consideration.

Mr. Oxley offered the following amendment :

Insert after "San Francisco," "and State Insane Asylum."

Adopted.

Mr. Ashley offered the following amendment:

"Provided, the appointment of all other Committees at this session for the purpose of visiting said Hospitals is hereby revoked."

Adopted.

Mr. Amyx offered the following amendment:

"And the Chairman of the Committee of Visitation is hereby empowered to administer oaths to persons called for the purpose of giving information in relation to said Hospitals."

Lost.

Mr. Farwell offered the following amendment:

"Together with the members of the Assembly Delegation from San Francisco."

Mr. Stevenson moved to amend by adding one from the Delegation of each County.

Mr. Bates moved to lay on the table

Agreed to.

On motion of Mr. Amyx, Assembly bill No. 20, An Act to prohibit the carrying of Concealed Weapons, was taken from the table.

Mr. Amyx offered a substitute for the bill.

On motion of Mr. Ferrell, the whole matter was referred to a Select Committee of six; Messrs. Ferrell, Taliaferro, Phelps, Gober, Amyx and Brown of Nevada.

On motion of Mr. Jones, all fee bills were referred to Select Committee of one from each Judicial District.

Messrs. Jones, Graves, Ashley, Dana, Keys, Edwards, Singley, Curtis, Rowe, Gaylord, Stevenson and Taylor, were appointed the Committee.

On motion of Mr. Stevenson, the House took a recess till 2 o'clock, P. M.

House re-assembled.

The Clerk informed the Senate that the Assembly was ready to meet them in Joint Convention.

The Sergeant-at-Arms announced the President and Senate.

IN CONVENTION.

The two Houses met in the Hall of the Assembly in Joint Convention, to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Mr. De La Guerra, was absent.

House Roll was called.

Messrs. Brown of Nevada, Dana, Edwards, Graves and Taylor were absent.

Mr. Douglas, of the Assembly, submitted the following resolution:

Resolved, That when this Convention do adjourn that it adjourn *sine die*.

Laid on the table.

Mr. Smith, of the Assembly, submitted the following resolution:

Resolved, That this Convention now adjourn to meet again directly after all other business than that of the election of United States Senator shall have been disposed of, when the two separate bodies shall again meet in Joint Convention, and continue from day to day, without compensation, until the Senatorial question shall have been decided.

Laid on the table.

The Convention then proceeded to take the fortieth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, Norman of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Murdock,

Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Oxley, Rowe, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Messrs. Ashley, Ferrell and Kinney, of the Assembly, voted for Mr. Whitesides.

Mr. Buffum, of the Assembly, voted for I. C. Woods.

Messrs. Clayton and Phelps, of the Assembly, voted for S. J. Field.

Mr. Ryland, of the Assembly, voted for Ed. Norton.

Mr. Sherrard, of the Assembly, voted for W. T. Barber.

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-four.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-eight votes.

Mr. Edwards received thirty-four votes.

Mr. McCorkle received thirteen votes.

Mr. Whitesides received three votes.

Mr. McDougal received one vote.

Mr. Woods received one vote.

Mr. Field received two votes.

Mr. Norton received one vote.

Mr. Barber received one vote.

No election.

Mr. Oxley, of the Assembly, offered the following resolution:

Resolved, That this Convention do now adjourn to meet again on Thursday the twenty-second day of this month, at 2 o'clock, P. M.

Laid upon the table.

No person having received a majority of all the votes cast, the Convention then proceeded to take the forty-first vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lipincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Brown of Nevada, Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Oxley, Rowe, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Gaver, Rodgers, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Messrs. Ashley and Ryland, of the Assembly, voted for Ed. Norton.

Mr. Buffum, of the Assembly, voted for J. D. Stevenson.

Messrs. Clayton and Phelps, of the Assembly, voted for Mr. Field.

Mr. Coombs, of the Assembly, voted for Mr. Latham.

Messrs. Ferrell, Flournoy, Geller, Jones and Kinney of the Assembly, voted for Mr. Whitesides.

Mr. Murdock, of the Assembly, voted for J. E. Addison.

Mr. Sherrard, of the Assembly, voted for Mr. Barber.

Whole number of votes cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Broderick received thirteen votes.

Mr. Gwin received thirty-five votes.

Mr. Edwards received thirty-five votes.

Mr. McCorkle received ten votes.

Mr. McDougal received one vote.

Mr. Norton received two votes.

Mr. Stevenson received one vote.

Mr. Field received two votes.

Mr. Latham received one vote.

Mr. Whitesides received five votes.

Mr. Addison received one vote.

Mr. Barber received one vote.

No election.

On motion of Mr. McFarland, of the Senate, the Convention adjourned till to-morrow at 2 o'clock.

The Senate withdrew.

In House.

Mr. Ryland moved to print Census Bill.

Agreed to.

The House then adjourned.

IN ASSEMBLY.

WEDNESDAY, February 7, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called and the following members were absent:

Messrs. Bates, Beatty, Brewton, Clayton, Ferrell and Vineyard

Mr. Bates was granted leave of absence for one day.

Journal read and approved.

Mr. Phelps presented a petition from the citizens of Nevada for the enactment of a law to suppress all barbarous and noisy amusements, exhibitions, etc., on the Sabbath.

Read and referred to Committee on Vice and Immorality.

Mr. Farwell presented a petition from citizens of San Francisco, asking the change of the name of Talbot Howard Green to Talbot Howard Wallis.

Read and referred to a Committee of three.

Messrs. Farwell, Hosmer and Doughty were appointed the Committee.

Mr. Farwell presented a petition from the merchants and importers of San Francisco, for the repeal of the State Gauger Law.

Read and referred to Committee on Commerce.

Mr. Flournoy presented a petition from citizens of Mariposa County relative to constructing a Bridge across the Merced River.

Senate bill No. 28, a bill concerning Appeals in certain Cases.

Read second time and referred to Judiciary Committee.

● Assembly bill No. 107, An Act to prohibit Barbarous and Noisy Amusements on the Christian Sabbath.

Read second time and referred to Committee on Vice and Immorality.

Assembly bill No. 108, An Act amendatory of supplementary to an Act entitled an Act concerning the Courts of Justice of the State and Judicial Officers, passed May 19, 1853.

Read second time and referred to Judiciary Committee.

Assembly bill No. 109, An Act to extend an Act for the protection of Game, passed May 1, 1852, to the Counties of Shasta and Trinity.

Read second time and referred to Committee on Agriculture.

Assembly bill No. 110. An Act amendatory of and supplementary to an Act entitled an Act to regulate Elections, passed March 3, 1850.

Read second time and referred to Committee on Elections.

Mr. Waite introduced a bill for an Act amendatory of and supplementary to

an Act entitled an Act to provide for the Incorporation of Towns, passed March 27, 1850.

Read first time.

Mr. McCutchan introduced a bill providing for the Indigent Sick of this State.

Read first time.

Mr. Coombs introduced a bill for an Act to provide for the removal of Snags that obstruct the Navigation of Napa River.

Read first and second time and referred to Committee on Internal Improvements.

Mr. Rodgers introduced a bill entitled a bill for an Act to establish a State University.

Read first time and ordered printed.

Mr. Ashley introduced a bill for an Act to create a Board of Supervisors in the Counties of Monterey and Santa Clara.

Read first and second time.

Mr. Taylor introduced a bill entitled an Act to encourage the incorporation of Savings Institutions and Associations for mutual benefit.

Read first time and ordered printed.

Mr. Singley introduced a bill for an Act to create the office of Township Assessor.

Read first time and ordered printed.

Mr. Murdock introduced a bill entitled an Act to amend an Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850.

Read first time.

Mr. Brown, of Contra Costa, introduced a bill entitled an Act to regulate Juror's pay.

Mr. Cook gave notice that he would, on to-morrow, introduce a bill for the relief of the California State Agricultural Committee, and to further promote the objects designed by the appointment of the Committee.

Mr. Wells gave notice that he would, at an early day, introduce a bill for an Act to amend the Twentieth, Twenty-First and Twenty-Second Sections of an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853.

Mr. Edwards, from the Judiciary Committee, made the following report:

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 17, ask leave to make the following report: ●

The Committee recommend a change of the title of the bill so as to read, "An Act prescribing the manner of electing United States Senators."

Also, to strike out sections eight and nine as they now stand in the bill.

Also, to add the following section:

SECTION 8. An Act entitled an Act prescribing the manner of electing United States Senators, passed January 30, 1852, shall be and the same is hereby repealed.

P. L. EDWARDS,

Chairman.

Assembly bill No. 111, An Act to amend an Act entitled an Act to regulate Fees in Office, passed May 1, 1851.

Read second time and referred to Select Committee already appointed.

Assembly bill No. 17, An Act to amend an Act entitled an Act prescribing the manner of electing United States Senators.

Committee amendments adopted and the bill ordered engrossed.

Mr. Waite, Chairman, made the following report:

Mr. Speaker:

The Committee on Claims having duly considered referred Assembly bill No. 74, entitled An Act for the relief of Preston K. Woodsides, report it back to the House and would recommend its passage.

WAITE,
Chairman.

Assembly bill No. 74, as above reported.

Laid on the table.

Special order, Assembly Joint Resolution No. 1, taken up.

Mr. Watkins moved to postpone until Friday next at 12 o'clock M.

Lost.

On motion of Mr. Kinney, the House resolved itself into Committee of the Whole.

Mr. Kinney in the chair.

The Committee having considered the same, rose, reported progress and asked leave to sit again to-morrow at 12 o'clock M.

On motion of Mr. Hosmer, the House took a recess till 2, P. M.

House re-assembled.

Clerk informed the Senate that the House was ready to meet them in Joint Convention.

Sergeant-at-Arms announced the President and Senate.

IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. De La Guerra and Mahoney, of the Senate, were absent.

Mr. Quinn offered the following resolution:

Resolved, That when this Convention do adjourn that it adjourn to meet again on the third Monday in March next, at 2 o'clock P. M.

Mr. May offered the following resolution:

Resolved, That when this Convention adjourn they adjourn to meet on the 6th April next.

Mr. Arrington moved to lay on the table.

Upon which Messrs. French, Mandeville and Heintzelman demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Burton, Colby, Day, Elint, Gove, Hall, Hawks, Hawthorne, Lippincott, Mahoney, McCoun, McFarland, Moore, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Cammet, Chase, Cory, Clayton, Covarrubias, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Gober, Gragg, Hosmer, Hunt, Keys, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Stewart, Taylor, Updegraff, Vineyard, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—67.

Those who voted in the negative were—

NOES.

Messrs. Crenshaw, French, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McGarry, McNeil, Norman, Peck and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of Marin, Taliaferro and Watkins, of the Assembly—40.

The resolution was laid on the table.

Mr. Douglas offered the following resolution:

Whereas, There seems to be a fixed and settled determination on the part of the majority of this Convention not to elect a United States Senator, and as all efforts to harmonize have failed, and there being no probability of an election at this session of the Legislature; therefore, be it

Resolved, That when this Convention do adjourn, that it adjourn until the first day of January, 1856.

Mr. Crenshaw moved to lay on the table.
Agreed to.

The Convention then proceeded to take the forty-second vote.

Those who voted for Mr. D. C. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, and Norman of the Senate and

Messrs Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Philip L Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry and Peck, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle, were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cannet, Flournoy, Gaver, Geller, Jones, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Messrs. Scellen, of the Senate, and Sherrard of the Assembly, voted for A. C. Peachy.

Messrs. Ashley, Rodgers and Ryland, of the Assembly, voted for H. S. Foote.

Messrs. Buffum and Phelps, of the Assembly, voted for I. C. Woods.

Mr. Clayton, of the Assembly, voted for Mr. Field.

Messrs. Coombs, Johuson of El Dorado, Smith of El Dorado, of the Assembly, voted for Mr. Latham.

Mr. Ferrell, of the Assembly, voted for B. Peyton.

Mr. Kinney, of the Assembly, voted for Mr. Whitesides.

Whole number of votes cast, one hundred and nine.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-five votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received twelve votes.

Mr. McDougal received one vote.

Mr. Foote received three votes.

Mr. Peachy received two votes.

Mr. Woods received two votes.

Mr. Field received one vote.

Mr. Latham received three votes.

Mr. Peyton received one vote.

Mr. Whitesides received one vote.

No election.

Mr. Buffum, of the Assembly, submitted the following resolution:

Resolved, That, having ballotted forty-two times for a United States Senator without arriving at any result, and there appearing to be no prospect of an election, this Convention, in order to prevent any further waste of time and money on the part of the Legislature in useless ballotings, do now adjourn *sine die*.

Mr. Sprague moved that the resolution lie upon the table.

Upon which the ayes and noes were demanded by Messrs. Crenshaw, Leake and French, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Colby, Crenshaw, Day, Flint, French, Gove, Hall, Heintzelman, Hook, Keene, Kendall, Lippincott, May, McFarland, McGarry, McNeil, Moore, Peck, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Amyx, Arrington, Baker, Bates, Brewton, Brown of Nevada, Cammet, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Curtis, Doughty, Farwell, Ferrell, Flournoy, Gaver, Gaylord, Geller, Hosmer, Hunt, Jones, Kinney, Knox, Lincoln, McConnell, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Stevens, Sherrard, Stewart, Taliaferro, Wells and Whitney, of the Assembly—64.

Those who voted in the negative were—

NOES.

Messrs. Burton, Hawks, Hawthorne, Leake, Mandeville, McCoun, Norman and Tuttle, of the Senate, and

Messrs. Andrews, Ashley, Adkison, Beatty, Bogardus, Boles, Brown of Contra Costa, Buffum, Burke, Cory, Cunningham of El Dorado, Dana, Douglas, Farley, Foster, Ferguson, Gober, Gragg, Johnson of El Dorado, Johnston of San Francisco, Keys, McCutchan, Mellus, Palmer, Quinn, Ryland, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taylor, Updegraff, Vineyard, Watkins, Waite and Mr. Speaker—43.

So the resolution was laid on the table.

Mr. Kendall, of the Senate, submitted the following:

Resolved, That when this Convention adjourn that it adjourn until next Wednesday, the 14th inst., at 2 o'clock.

Mr. Hawks, of the Senate, moved that the resolution lie upon the table.
Lost.

On the adoption of the resolution Messrs. Stow, Cory and Flournoy demanded the ayes and noes:

Those who voted in the affirmative were—

AYES.

Messrs. Colby, Crenshaw, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McCoun, McFarland, McGarry, McNeill, Norman, Peck, Scellen, Tuttle and Whiting, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Caminet, Clayton, Coombs, Cunningham of Sierra, Cunningham of El Dorado, Curtis, Douglas, Foster, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Murdock, Oxley, Palmer, Quinn, Rodgers, Stevens, Stevenson, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins and Wells, of the Assembly—54.

Those who voted in the negative were—

NOES.

Messrs. Burton, Flint, Hall, Hawks, Hawthorne, Lippincott, Mahoney, May, Moore, Rust, Sprague and Stebbins, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Ashley, Bates, Brown of Contra Costa, Buffum, Burke, Cory, Chase, Cook, Covarrubias, Dana, Doughty, Farley, Farwell, Ferrell, Flourney, Ferguson, Gaver, Gaylord, Gober, Geller, Gragg, Jones, Keys, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Phelps, Rowe, Ryland, Sherrard, Stewart, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly—54.

So the motion was lost.

Mr. Baker, of the Assembly, moved to adjourn until the 21st of this month.
Lost.

Mr. Smith of Marin, of the Assembly, moved that the Convention adjourn until to-morrow at 2 o'clock.

Messrs. Norman, Heintzelman and French demanded the ayes and noes:

Those who voted in the affirmative were—

AYES.

Messrs. Burton, Day, Flint, Gove, Hall, Kendall, Lippincott, Mahoney, May, McCoun, McFarland, McGarry, Moore, Rust, Scellen, Stebbins, Tuttle and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Brown of Contra Costa, Cory, Clayton, Coombs, Covarrubias, Dana, Ferrell, Flourney, Ferguson, Gaver, Gaylord, Gober, Gragg, Hosmer, Hunt, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Rodgers, Stevens, Sherrard, Smith of Marin, Stewart, Taylor, Updegraff, Vineyard, Waite, Wells and Mr. Speaker, of the Assembly—55.

Those who voted in the negative were—

NOES.

Messrs. Colby, Crenshaw, French, Hawks, Hawthorne, Heintzelman, Hook,

Keene, Leake, Mandeville, McNeil, Norman, Peck and Sprague, of the Senate, and

Messrs. Amyx, Ashley, Adkison, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Chase, Cook, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Douglas, Doughty, Farwell, Farley, Foster, Geller, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, McCutchan, McConnell, Phelps, Quinn, Rowe, Ryland, Stevenson, Smith of El Dorado, Singley, Taliaferro, Watkins and Whitney, of the Assembly—54.

So the Convention adjourned till to-morrow at 2 o'clock.

The Senate withdrew.

On motion of Mr. Quinn, the House adjourned.

IN ASSEMBLY.

THURSDAY, February 8, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called, and members all present except those absent on leave.

Journal read and approved.

Mr. Buffum presented a petition from citizens of San Francisco city and county, for the extension of the jurisdiction of Justices of the Peace.

Read and laid on the table

Assembly bill No. 112, An Act to encourage the Incorporation of Savings Institutions and Associations for Mutual Benefit.

Read second time and referred to Committee on Corporations.

Assembly bill No. 113, An Act providing for the Indigent Sick of this State.

Read second time and referred to Committee on Hospitals.

Assembly bill No. 115, An Act to establish a State University.

Read second time and referred to Committee on Education.

Assembly bill No. 116, An Act amendatory of and supplementary to an Act entitled An Act to provide for the Incorporation of Towns, passed March 27th, 1850

Read second time and referred to select Committee, composed of Messrs. Beatty, Knox and Oxley.

Assembly bill No. 117, An Act to regulate Jurors' Pay.

Read second time and referred to select Committee, (Jones Chairman).

Assembly bill, No. 118, An Act to amend an Act entitled An Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850.

Read second time and referred to the Judiciary Committee.

Assembly bill No. 119, An Act to create the Office of Township Assessor.

Read second time and referred to Judiciary Committee.

Mr. Arrington introduced a bill for an Act to establish District School Libraries.

Read first time and ordered printed.

Mr. Rowe introduced a bill for an Act amending an Act entitled An Act dividing the State into Counties and establishing the Seats of Justice therein.

Read first time.

Mr. Whitney introduced a bill for an Act securing liens to Mechanics and others.

Read first time.

Mr. Cook introduced a bill for an Act for the Relief of State Agricultural Society.

Read first time.

Mr. Stevens introduced a bill for an Act amendatory of and supplementary to an Act entitled An Act concerning Crimes and Punishments, passed April 16th, 1850.

Read first time.

Mr. Farwell gave notice that he would introduce a bill to prohibit any Association, Company or Corporation from exercising the privilege of Banking or creating Paper to circulate as Money.

Mr. Oxley gave notice that he would introduce a bill for an Act to prohibit Lotteries, passed March 11th, 1851, passed May 15th, 1854

Mr. Curtis gave notice that he would introduce a bill prohibiting the sale of Chloroform, except to regular practising Physicians.

Mr. Waite gave notice that he would introduce a bill to amend An Act to regulate Proceedings in Criminal Cases.

Mr. Ashley, from the Judiciary Committee, made the following report :

Mr. Speaker:

The Judiciary Committee, to whom was referred a bill for An Act fixing the Time of holding the several Courts authorized to be held by the County Judge in the Counties of Shasta and Santa Clara, having had the same under consideration, beg leave to report back a substitute, and recommend its passage.

ASHLEY, of Committee.

Senate bill No. 36, as above reported. Substitute reported and adopted, considered engrossed.

Read third time and passed.

Assembly bill No. 120, An Act to create a Board of Supervisors in the Counties of Monterey and Santa Clara, and to define their Duties and Powers

Mr. Gober moved to amend section 12, by striking out "five dollars" and inserting "four dollars."

Pending the motion, the bill was laid on the table.

Assembly bill No. 65, An Act to provide for taking the Second Census, in 1855, and for taking the Census thereafter, being the special order of the day, was taken up

On motion, it was postponed until Tuesday next, at twelve o'clock, M.

Assembly joint resolution No. 1, relative to the establishment of an additional land district in this State, was taken up. The House resolved itself into Committee of the Whole, Mr. Hosmer in the chair. After considering the same, the Committee rose, reported progress, and had leave to sit again on each alternate day, at twelve o'clock, M., other special orders taking precedence.

Mr. Ferrell, from the Judiciary Committee, made the following report :

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 63, have had the same under consideration, and ask leave to report the same back to the House without amendment, and recommend its passage.

FERRELL, of Committee.

Assembly bill No. 63, an Act entitled An Act to provide for the Support of the Government of this State, passed May 15th, 1854, as reported above, was laid on the table.

Mr. Waite, Chairman, made the following report :

Mr. Speaker:

The Committee on Claims, to whom was referred Assembly bill No. 78, entitled An Act for the Relief of Peter Lothian, Sheriff of Humboldt County, having had the same under consideration, report the same back to the House and recommend its passage.

WAITE,
Chairman.

Assembly bill No. 78, An Act for the Relief of Peter Lothian, Sheriff of Humboldt County, above reported.

Laid on the table.

Mr. Douglas, of the Committee on Agriculture, verbally reported Assembly bill No. 109, an Act to extend An Act for the Protection of Game, passed May 1st 1852, to the Counties of Shasta and Trinity.

Laid on the table.

Mr. Meredith, Chairman, made the following report:

Mr. Speaker :

The Committee on Enrollment presented to Governor Bigler, yesterday, for his approval, Assembly joint resolution No. 2, relative to the muniments of title delivered to the Board of United States Land Commissioners. Also, an Act fixing the Times of holding the Terms of the District Court of the Second Judicial District of this State.

H. B. MEREDITH,
Chairman.

Mr. Moreland, Chairman, made the following report:

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed, An Act authorizing James Galloway to construct a Turnpike Road from Forest City to Camptonville, and collect Tolls on the same. Also, an Act extending the

provisions of an Act entitled An Act giving the consent of the Legislature of the State of California to the purchase by the United States of Land within this State, for public purposes, to the Grant heretofore made by Thomas O. Larkin and wife, Robert Semple and wife and Bethuel Phelps, to the United States, of certain Land adjoining the City of Benicia.

THOS. MORELAND,
Chairman.

Assembly bill No. 77, An Act authorizing James Galloway, and such others as he may associate with him, to construct a Turnpike Road from Forest City to Camptonville, and collect Tolls on the same.

Read a third time, engrossment and third reading reconsidered, amended, considered engrossed.

Read a third time and passed.

Assembly bill No. 104, an Act extending the provisions of an Act entitled An Act giving the consent of the Legislature of the State of California to the purchase by the United States of Land within this State, for public purposes, to the grant heretofore made by Thomas O. Larkin and wife, Robert Semple and wife and Bethuel Phelps, to the United States of certain lands adjoining Benicia.

Read third time and passed.

Mr. Murdock, Chairman, made the following report :

Mr. Speaker :

The Committee on Internal Improvements, to whom was referred the resolution concerning the Bar of San Antonio Creek, having had the same under consideration, are of the opinion that the subject is entitled to investigation, and would recommend that the Legislature direct the Surveyor General of the State to examine the bar of San Antonio Creek at its entrance into the Bay of San Francisco, and report as soon as possible the practicability and probable expense of removing the obstruction from said Creek.

Mr. Buffum, Chairman, made the following report :

Mr. Speaker :

The special Committee to whom was referred the petitions of citizens of San Francisco, in relation to the jurisdiction of Justices of the Peace in that county, and asking that it be placed upon the same basis that it is in all other counties of the State, have had the same under consideration. The petition which was referred to the Committee contains some two hundred names, embracing many of the most prominent bankers, merchants, and other citizens. Your Committee are at a loss to understand why the county of San Francisco has been made an exception to the general provision in relation to the jurisdiction of Justices of the Peace, and do not consider it necessary here to urge the arguments in favor of the amount of jurisdiction in other counties, which arguments, apply with equal force to that of San Francisco, as is represented by the petition. The Committee are led to believe that a great loss ensues to a large number of persons in San Francisco, who are obliged to bring suits for all warrants over 200 dollars in Courts of Record, where the fees are of such an enormous character as to often prevent an attempt to recover just debts. The Committee consider it no more than just and reasonable that the county of San Francisco should be placed upon an equal footing, in this matter, with every other county in the State, and would respectfully recommend the

passage of a bill to effect the purpose asked for by the petitioners. From conversations with the San Francisco delegation and residents of that county, the Committee is convinced that a large majority of the people of San Francisco county are in favor of extending the jurisdiction, as asked. While satisfied of the correctness of the principle involved in the prayer of the petitioners, the Committee do not feel disposed to hurry through this matter, and, in accordance with the wishes of the majority of Committee, propose that the whole subject be laid upon the table for the present, and that the Committee be discharged.

BUFFUM,
Chairman.

Adopted.

Mr. Farwell, Chairman, made the following report :

Mr. Speaker:

The select Committee to whom was referred the petition for changing the name of Talbot Howard Green to Talbot Howard Wallis, have had the same under consideration, and report back a bill in accordance with the prayer of the petitioners.

FARWELL,
Chairman.

The bill above reported, An Act to authorize Joseph L. Wallis and Sarah Wallis to change the name of their Infant Son, Talbot Howard Green, to Talbot Howard Wallis.

Read first time.

Mr. Edwards, Chairman, made the following report:

Mr. Speaker:

The Sacramento delegation have considered Assembly bill No. 55, entitled An Act to create a Board of Supervisors for the County of Sacramento, and to define its Powers and Duties, and report the accompanying substitute, entitled An Act to establish a Board of Supervisors for the County of Sacramento, and define its Powers and Duties, and recommend its passage.

P. L. EDWARDS,
Chairman.

Assembly bill No 55, An Act to establish a Board of Supervisors for the County of Sacramento and define its Powers and Duties.

Substitute adopted and ordered engrossed.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, February 7th, 1855. }

To the Assembly of California :

I have this day approved the following named Acts, which originated in the Assembly, viz :

An Act to fix the Times for holding the Terms of the District Court of the Second Judicial District of this State.

Also, Assembly joint resolution relative to claimants before the California Board of United States Land Commissioners.

JOHN BIGLER.

Communication was received from the Board of Land Commissioners, in answer to a resolution passed by the Assembly, on the 5th of January last, which was read and referred to the Committee on Public Lands.

Mr. Smith, of Marin, introduced a bill for an Act supplementary to an Act entitled An Act to provide for the Lien of Mechanics and others, passed, April 12, 1850.

Read first time.

The following message was received from the Senate:

Mr. Speaker :

I am directed to inform the Assembly that the Senate, on the 6th inst., passed Senate bill No. 7, entitled An Act to authorize David N. Darlington, Isaiah Hanscom and others to build a Wharf at Vallejo, in Solano County.

Also, that they passed Assembly bill No. 34, entitled An Act fixing the Times of holding the Terms of the County Courts, Courts of Sessions and Probate Courts, in and for Butte County.

Also, that they passed, yesterday, Senate bill No. 16, entitled An Act to repeal an Act entitled An Act to provide for the establishment of a State Marine Hospital at San Francisco and to provide for the Indigent Sick of this State.

WM. A. CORNWALL,
Secretary of Senate.

Senate bill No. 7, An Act to authorize David N. Darlington, Isaiah Hanscom and others to build a Wharf at Vallejo, in Solano County.

Read first time.

Senate bill No. 16, a bill for an Act to repeal an Act entitled An Act to provide for the establishment of a State Marine Hospital at San Francisco and to provide for the Indigent Sick in this State.

Read first time.

Senate bill No. 48, An Act appropriating money to pay Postage.

Read first time.

Mr. Flournoy introduced a bill for an Act granting Charles Murray and others to construct a Toll Bridge across the Merced River, in Mariposa County.

Read first and second time and referred to Committee on Roads and Highways.

Mr. Douglas offered the following resolution :

Resolved, That the Controller of State report to this House the amount of outstanding indebtedness of the State, immediately, and that the same be given in items.

Adopted.

Mr. Keys offered the following resolution :

Resolved, That the Sergeant-at-Arms be instructed to order five hundred extra

copies of the report of the Resident Physician of the Insane Asylum, for the use of the Asylum.

Laid over under the rules.

Mr. Brown, of Nevada, offered the following resolution :

Resolved, That Mr. Price, the Door-keeper of the Assembly Chamber, owing to his bad state of health, be empowered to appoint his own Assistant Door-keeper, until such time as he may be able to assume the duties of the same himself.

Adopted.

Mr. Covarrubias offered the following resolution :

Resolved, That five hundred copies each of the Controller's, Treasurer's and Attorney General's report be printed in Spanish, for the use of this House.

Laid over under the rules.

On motion of Mr. Cunningham, of Sierra, communication from State Treasurer was taken from the table and referred to select Committee, Mr. Buffum Chairman.

On motion of Mr. Wells, Senate bill No 27, An Act to authorize the Board of Examiners of War Claims to settle and pay the Clerk employed by them to arrange the Papers and Vouchers connected with said Claims, was taken from the table.

Committee of the Whole, Mr. Taliaferro in the chair.

The Committee was discharged.

The bill was read third time and passed.

On motion of Mr. Amyx, the House took a recess until two o'clock P. M.

IN CONVENTION.

House re-assembled.

The Clerk informed the Senate that the Assembly was ready to meet them in Joint Convention.

The Sergeant-at-Arms announced the President and Senate.

The Convention was then called to order by the President.

House Roll was called.

Messrs. De La Guerra and McCoun were absent.

Mr. Chase, of the Assembly, submitted the following resolution:

Whereas, There seems to be a fixed determination on the part of some members to interrupt the business of this Convention, by introducing motions and resolutions to take up the time, therefore,

Resolved, That this Convention do meet, from day to day, at two o'clock P. M., and ballot each day not less than four times, until a United States Senator is elected, not adjourning more than three days at any one time.

Laid on the table.

The Convention then proceeded to take the forty-third vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Stebbins, of the Senate, and

Messrs. Cammet, Geller, Jones, Stewart and Wells, of the Assembly.

Those who voted for Mr. Roman were—Messrs. May and McFarland, of the Senate, and

Messrs. Ashley, Clayton, Ferrell, Flournoy, Gaver, Phelps and Ryland, of the Assembly.

Mr. Buffum, of the Assembly, voted for J. D. Stevenson.

Mr. Coombs, of the Assembly, voted for Mr. Latham.

Mr. Doughty, of the Assembly, voted for B. Peyton.

Mr. Kinney, of the Assembly, voted for Mr. Whitesides.

Mr. Rodgers, of the Assembly, voted for Mr. Crittenden.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-eight votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received eight votes.

Mr. Roman received nine votes.

Mr. Peyton received one vote.

Mr. Stevenson received one vote.

Mr. Whitesides received one vote.

Mr. Crittenden received one vote.

Mr. Latham received one vote.

Mr. Arrington, of the Assembly, submitted the following:

Resolved, That this Convention do now adjourn until Tuesday, the 13th inst., at 2 o'clock, P. M.

Laid upon the table.

No person having received a majority of all the votes cast, the Convention then proceeded to take the forty-fourth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McGarry and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Peck and Rust, of the Senate.

Those who voted for Mr. Roman were—Messrs. May, McFarland, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Clayton, Ferrell, Flournoy, Gaver, Geller, Johnson of El Dorado, Jones, Phelps, Rodgers, Ryland, Sherrard and Stewart, of the Assembly.

Mr. Adkison, of the Assembly, voted for Col. J. Allen.

Mr. Buffum, of the Assembly, voted for S. P. Webb.

Mr. Burke, of the Assembly, voted for Mr. Stow.

Mr. Chase, of the Assembly, voted for Mr. McConnell.

Mr. Coombs, of the Assembly, voted for Mr. Latham.

Mr. Kinney, of the Assembly, voted for Mr. Whitesides.

Mr. Wells, of the Assembly, voted for Jno. Bidwell.

Whole number of votes cast, one hundred and eight.
Necessary to a choice, fifty-five.

Mr. Broderick received eleven votes.

Mr. Gwin received thirty-five votes.

Mr. Edwards received thirty-four votes.

Mr. Roman received eighteen votes.

Mr. McCorkle received three votes.

Mr. McConnell received one vote.

Mr. Allen received one vote.

Mr. Webb received one vote.
Mr. Latham received one vote.
Mr. Whitesides received one vote.
Mr. Bidwell received one vote.
Mr. Stow received one vote.

Mr. Brown of Nevada, of the Assembly, submitted the following:

Resolved, That this Convention, now in session for the purpose of electing a United States Senator in the place of the Hon. Wm. M. Gwin, whose term of office expires the fourth day of March next, do now adjourn over to the first Monday in April next, at the usual hour of holding said Convention.

Mr. Mandeville, of the Senate, moved to lay the resolution on the table.

Upon which the ayes and noes were demanded by Messrs. Leake, French and Taliaferro, with the following result:

AYES.

Messrs. Burton, Colby, Day, Flint, Gove, Hall, Hawks, Hawthorne, Lippincott, Mahoney, May, McFarland, Moore, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Cammet, Cory, Chase, Clayton, Coombs, Covarrubias, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Geller, Gaylord, Gober, Gragg, Hosmer, Hunt, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, Mellus, Meredith, Moreland, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Stewart, Taylor, Updegraff, Watkins, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—69.

NOES.

Messrs. Crenshaw, French, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McGarry, McNeil, Norman, Peck and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, McConnell, Murdock, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard of the Assembly—39.

So the resolution was laid on the table.

Mr. Whiting of the Senate moved that the Convention adjourn until to-morrow at 2 o'clock, P. M.

Upon which the ayes and noes were demanded by Messrs. McGarry, Whiting and French, with the following result:

AYES.

Messrs. Burton, Crenshaw, Flint, Gove, Hall, Hawthorne, Lippincott, Mahoney, McGarry, Peck, Rust, Scellen, Sprague, Whiting, of the Senate, and

Messrs. Arrington, Brown of Contra Costa, Brown of Nevada, Burke, Clayton, Covarrubias, Farwell, Ferguson, Gragg, Hosmer, Hunt, Keys, Knox, McConnell, Mellus, Meredith, Murdock, Oxley, Palmer, Stevenson, Sherrard, Smith of Marin, Updegraff, Wells, Mr. Speaker of the Assembly—39.

NOES.

Messrs. Colby, Day, French, Hawks, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McFarland, McNeill, Moore, Norman, Stebbins, Tuttle, of the Senate, and

Messrs. Andrews, Amyx, Ashley, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Buffum, Cammet, Cory, Chase, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglass, Doughty, Farley, Ferrell, Flournoy, Foster, Gaver, Gaylord, Geller, Gober, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, Lincoln, McCutchan, Moreland, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevens, Singley, Smith of El Dorado, Stewart, Taliaferro, Taylor, Vineyard, Watkins, Waite, Whitney, of the Assembly—65.

So the Convention refused to adjourn.

Mr. Hosmer, of the Assembly, submitted the following resolution :

Resolved, That this Convention do now adjourn until Tuesday, the 20th inst., at 2 o'clock, P. M.

Laid upon the table.

Mr. Murdock, of the Assembly, submitted the following resolution :

Resolved, That this Convention do now adjourn until Wednesday next, at 2 o'clock, P. M.

Laid upon the table.

On motion of Mr. Kendall, the Convention adjourned until to-morrow, at 2 o'clock, P. M.

The Senate returned to their Chamber, and,

On motion of Mr. Stevenson, the House adjourned.

IN ASSEMBLY.

FRIDAY, February 9, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called and the following members were absent:

Messrs. Knox, Lincoln and Sherrard.

Mr. Sherrard was granted leave of absence for one day.

Journal read and approved.

Mr. Phelps presented a petition asking for a law suppressing all barbarous and noisy amusements on the Sabbath.

Read and referred to Committee on Vice and Immorality.

Assembly bill No. 121, *An Act for securing Liens to Mechanics and others.*

Read second time, and referred to a select Committee, composed of Messrs. Whitney, Smith of Marin and Ryland.

Assembly bill No. 122, *An Act to establish School Libraries.*

Read second time and referred to Committee on Education.

Assembly bill No. 123, *An Act for the Relief of the State Agricultural Society.*

Read second time and referred to Committee on Agriculture.

Assembly bill No. 124, *An Act to authorize Joseph S. Wallis and Sarah Wallis to change the name of their infant Son, Talbot Howard Green, to Talbot Howard Wallis.*

Read second time and referred to San Francisco delegation.

Assembly bill No. 125, *an Act supplementary to an Act entitled An Act to provide for the Lien of Mechanics and others, passed April 12, 1850.*

Read second time and referred to select Committee, Mr. Whitney Chairman.

Assembly bill No. 127, *an Act amending an Act entitled An Act dividing the State into Counties and establishing the Seats of Justice therein.*

Read second time and referred to Committee on Counties and County Boundaries.

Assembly bill No. 128, *an Act amendatory of and supplementary to an Act entitled An Act concerning Crimes and Punishments, passed April 16th, 1850.*

Read second time and referred to Judiciary Committee.

Senate bill No. 7, *An Act to authorize David N. Darlington, Isaiah Hanscom and others to build a Wharf at Vallejo, in Solano County.*

Read second time and referred to Committee on Commerce.

Senate bill No. 16, *an Act to repeal an Act entitled An Act to provide for the establishment of a State Marine Hospital at San Francisco and to provide for the Indigent Sick of this State.*

Read second time and referred to Committee of the Whole, and made special order of the day for to-morrow at 1 o'clock P. M.

Senate bill No. 48, *An Act appropriating Money to pay Postage.*

Read second time and referred to Committee on Accounts and Expenditures.

Mr. Waite introduced a bill for an Act to amend An Act to regulate Proceedings in Criminal Cases, passed May 1st, 1851.

Read first time.

Mr. Stevenson introduced a bill for an Act to repeal An Act concerning Roads and Highways, passed April 11th, 1850, so far as said Act relates or is applicable to the County of El Dorado.

Read first and second time and referred to El Dorado delegation.

Mr. Watkins introduced a bill for An Act concerning the Office of Controller and Treasurer of State.

Read first time.

Mr. Watkins introduced a bill for An Act to encourage the construction of a Railroad and Telegraph Line from the Eastern Line of this State, with Branches thereto.

Read first and second time and referred to Committee on Internal Improvements.

Mr. Coombs introduced a bill for an Act amendatory of an Act entitled An Act to provide for the disposal of the Five Hundred Thousand Acres of Land granted to this State by Act of Congress, passed May 3d, 1852.

Read first time.

Mr. Johnston, of San Francisco, introduced a bill for an Act supplemental to An Act to regulate Elections, passed March 23, 1850.

Read first time.

Mr. Farwell introduced a bill for An Act to prohibit any Person or Persons, Association, Company or Corporation from exercising the privilege of creating Paper to circulate as Money.

Read first time.

Mr. Moreland gave notice that he would introduce a bill for an Act to amend an Act entitled An Act concerning the Office of Public Administrator, and making it Elective, passed April 15th, 1851.

Mr. Gaver gave notice that he would introduce a bill for An Act to create a Board of Supervisors in and for Yuba County and to define their Duties and Powers.

Mr. Ferrell made the following report :

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 29, entitled An Act to amend an Act concerning Courts of Justice in this State, and Judicial Officers, passed May 9th, 1853, have had the same under consideration, and report the same back to the Assembly and recommend its passage.

FERRELL,
Of Committee.

Assembly bill No. 29, above reported, an Act to amend An Act concerning Courts of Justice in this State, and Judicial Officers, passed May 9th, 1853
Ordered engrossed.

Mr. Ashley, Chairman, made the following report :

Mr. Speaker :

The Judiciary Committee, to whom was referred Senate bill No. 26, concern-

ing Seals, &c., have had the same under advisement, and would recommend the passage of the substitute herewith reported.

ASHLEY,

Chairman.

Senate bill No. 26, above reported, An Act concerning Seals and legalizing Scrolls.

Ordered engrossed.

Mr. Buffum, Chairman, made the following report :

Mr. Speaker :

The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 87, for an Act to provide for the better regulation of Steamboats navigating the Waters of this State, have had the same under consideration, and recommend its passage, with the following amendments :

For section 1st, substitute as follows :

Section 1. It is hereby provided that upon every boat propelled, either in part or in whole, by steam, and navigating any river, bay or other waters of this State, a registry of the names of all passengers upon such boat shall be made by the clerk, or some other person employed for that purpose. For a failure to comply with the provisions of this section, the owner or owners of every steamboat to which the provisions of this section are understood to apply, shall be fined in the sum of five hundred dollars, to be recovered in the District Court of the Judicial District in which said owner or owners reside ; *provided*, *however*, that the provisions of this section shall not extend or apply to any boats plying upon any established ferry.

BUFFUM,

Chairman.

Assembly bill No. 87, An Act to provide for the better regulation of Steamboats navigating the Waters of this State.

Amendments adopted and the bill ordered engrossed.

Mr. Mellus, Chairman, made the following report :

Mr. Speaker:

The Committee on Accounts and Expenditures, to which was referred the communication from the Secretary of State, with the accompanying documents, beg leave to report the same back to the House, with the accompanying bill.

MELLUS,

Chairman.

A bill for an Act for the Relief of Persons therein named, above reported.
Read first time.

Mr. Moreland, Chairman, made the following report:

Mr. Speaker:

The Committee on Engrossment have examined and find correctly engrossed An Act prescribing the manner of electing United States Senators, and also An Act authorizing James Galloway and such others as he may associate with him, to construct a Turnpike Road from Forest City to Camptouville, and collect Tolls on the same.

Assembly bill No. 17, An Act prescribing the manner of electing United States Senators.

Read third time.

Third reading and engrossment reconsidered, and the bill recommitted.

Mr. Buffum, Chairman, made the following report :

Mr. Speaker :

The special Committee to whom was referred Assembly bill No. 73, An Act to suppress Gaming, have had the same under consideration, and recommend its passage, with certain amendments, and ask to be discharged.

All of which is respectfully submitted.

BUFFUM,
Chairman.

Assembly bill No. 73, An Act to suppress Gaming.
Committee amendments adopted.

Mr. Amyx offered an amendment to section 8.

Lost.

Other amendments were offered, pending which,

On motion of Mr. Ryland, the bill was recommitted.

Mr. Douglas, Chairman, made the following report :

Mr. Speaker :

The select Committee of fifteen to whom was referred Assembly bill No. 33, An Act concerning Lawful Fences, have considered the same, and report it back to the House and recommend its passage as amended.

DOUGLAS,
Chairman.

Assembly bill No. 33, An Act concerning Lawful Fences and trespassing of Animals on Private Property.

On motion of Mr. Stow, ordered printed under direction of the Committee.

On motion of Mr. Ashley, Assembly bill No. 120, An Act to create a Board of Supervisors in the Counties of Monterey and Santa Clara, and to define their Duties and Powers, was taken from the table.

On motion of Mr. Baker, it was referred to a select Committee of five—Messrs. Baker, Ashley, Stow, Gober and Cook—with instructions to report to-morrow.

Mr. Stevenson offered the following resolution:

Resolved, That the State Prison Committee be instructed to visit immediately the State Prison and examine the same, and report to this House the number

of prisoners confined therein, their condition, and the provisions made for their security. Also, whether the prison buildings are sufficiently secure for the safety and protection of the persons therein confined; and also to examine particularly into the management and affairs of said institution.

Adopted.

On motion of Mr. Adkison, the House took a recess until two o'clock P. M.
House re-assembled.

The Clerk informed the Senate that the Assembly was ready to meet them in Joint Convention.

The Sergeant-at-Arms announced the President and Senate.

IN CONVENTION.

The Convention was then called to order by the President.

Roll called.

Messrs. De La Guerra and McCoun, of the Senate, and Messrs. Clayton, Coombs, Ferguson, Smith of El Dorado, Taylor and Watkins, of the Assembly, were absent.

On motion of Mr. Cunningham, of Sierra, the Convention adjourned until Tuesday next, at 2 o'clock, P. M.

The Senate returned to their Chamber, and,

On motion of Mr. Douglas, the House adjourned.

IN ASSEMBLY.

SATURDAY, February 10, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called and the following members were absent:

Messrs. Cammet, Clayton, Coombs, Foster, Jones, Knox, Mellus, Ryland, Taylor, Watkins.

On motion, leave of absence was granted to Messrs. Coombs, Clayton, Foster, Watkins, Taylor, Mellus.

Journal of yesterday read and approved.

Mr. Farley offered a petition from the citizens of Amador county, relative to the annexation of a portion of El Dorado County.

Referred to Committee on Counties and County Boundaries.

Assembly bill No. 130, an Act to amend an Act entitled An Act to regulate Proceedings in Criminal Cases, passed May 1st, 1851.

Read second time and referred to Judiciary Committee.

Assembly bill No. 32, An Act concerning the Offices of Controller and Treasurer of State

Read second time and referred to Committee on Corporations.

Assembly bill No. 134, An Act to prohibit any Person or Persons, Association, Company or Corporation from exercising the privilege of Banking or creating Paper to circulate as Money.

Read second time and referred to Committee on Corporations.

Assembly bill No. 135, an Act supplementary to An Act to regulate Elections, passed March 23d, 1850.

Read second time and referred to Committee on Elections.

Assembly bill No. 136, An Act amendatory of an Act entitled an Act to provide for the disposal of the Five Hundred Thousand Acres of Land granted to this State by Act of Congress, passed May 3, 1852.

Read second time and referred to Committee on Public Lands.

Assembly bill No. 137, An Act for the Relief of Persons therein named.

Read second time.

Mr. Brown, of Nevada, introduced a bill for an Act to authorize H. Henderson, John Dooling, R. Thompson, and such others as they may associate with them, to construct a Wagon Road from Eureka, in Nevada County, to the Truckee Meadows, east of the Sierra Nevada Mountains.

Read first time.

Mr. Amyx introduced a bill for an Act for the suppression of Immoral Assemblages.

Read first time.

Mr. Rodgers introduced a bill for an Act to appoint a Secretary to Courts of Record.

Read first time.

Mr. Ryland introduced a bill for an Act to provide a Law Library for the Supreme Court.

Read first time.

Mr. Moreland introduced a bill for an Act to amend an Act entitled An Act concerning the Office of Public Administrator and making it Elective, passed April 15th, 1851.

Read first time.

Mr. Stow introduced a bill for an Act to authorize Isaac E. Davis and A. P. Jordan, and such others as they may associate with them, to construct a Wharf at Santa Cruz, in the Bay of Monterey, and to collect Tolls on the same.

Read first time.

Mr. Brown, of Contra Costa, introduced a bill for an Act to create a Board of Supervisors for Contra Costa County and to define their Duties and Powers.

Read first and second time and referred to Judiciary Committee.

Mr. Hunt gave notice that he would introduce a bill to divide the State.

Mr Edwards introduced a bill for an Act for the Relief of H. B. and C. E. Paine.

Read first time.

Mr. Edwards, Chairman, made the following report:

Mr. Speaker :

The Committee on Judiciary have considered Senate bill No. 28, entitled A Bill concerning Appeals in certain cases, and instruct me to recommend its passage, without amendment.

P. L. EDWARDS,
Chairman.

Senate bill No. 28, a Bill concerning Appeals in certain cases.
Read third time and passed.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker:

The Committee on Judiciary have considered Assembly bill No. 118, entitled An Act to amend an Act entitled An Act concerning Fraudulent Conveyances and Contracts, passed April 19th, 1850, and a majority instruct me to recommend its indefinite postponement.

P. L. EDWARDS,
Chairman.

Assembly bill No. 118, Assembly bill No 118, an Act to amend an Act entitled An Act concerning Fraudulent Conveyances and Contracts, passed April 19th, 1850.

Laid on the table.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker :

The Committee on Judiciary have considered Assembly bill No. 119, entitled An Act to create the Office of Township Assessor, and instruct me to recommend its indefinite postponement.

P. L. EDWARDS,
Chairman.

Assembly bill No. 119, An Act to create the Office of Township Assessor.
Indefinitely postponed.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker :

The Committee on Judiciary instruct me to recommend the indefinite postponement of Assembly bill No. 106, entitled An Act concerning County Officers.
Respectfully submitted.

P. L. EDWARDS,
Chairman.

Assembly bill No. 106, An Act concerning County Officers.
Laid on the table.

Mr. Bates, Chairman, made the following report :

Mr. Speaker:

The Hospital Committee, to whom was referred Assembly bill No. 102, entitled An Act for the Relief of the State Insane Asylum, have had the same under consideration, and recommend its passage.

BATES,
Chairman.

Assembly bill No 102, An Act for the Relief of the State Insane Asylum.
 Considered in Committee of the Whole, Douglas in the chair
 Committee rose, reported bill back and recommended its passage.
 Committee discharged and bill ordered engrossed.

Mr. Douglas, Chairman, made the following report :

Mr. Speaker :

The Committee on Agriculture, to whom was referred the bill for the Relief of the State Agricultural Society, beg respectfully to report :

That they have had the same under consideration, and find that the said State Agricultural Society, incorporated by the Legislature of California at its last session, did, in October last, hold its first annual fair, in pursuance of the Act of Incorporation. The expenses attending the same were necessarily large, and, in view of the short time that elapsed between the time of the organization of the society and the date of holding the fair, it was impossible to secure the general co-operation of Agriculturalists throughout the State, as well as anything like general contribution for the defraying of the necessary expenses attending the holding of said fair.

It appears that the officers and members of the society contributed about thirty-five hundred dollars for the payment of these necessary expenses, and distributed nearly five thousand dollars in premiums, as contemplated by the Act of Incorporation of said society.

This additional appropriation is asked in order to meet the remaining liabilities of the society, and, to the Committee, the request appears equitable. It is, perhaps, surprising, that the society, in its infancy, has succeeded in so nearly meeting its expenses during the first year of its existence.

The Committee therefore report the bill back and recommend its passage.

DOUGLAS,
 Chairman.

Assembly bill No. 123, An Act for the Relief of the State Agricultural Society.
 Considered in Committee of the Whole, Taliaferro in the chair.
 Committee rose, reported bill back and recommended its passage.
 Considered engrossed, read third time and passed

Mr. Hosmer, Chairman, made the following report :

Mr. Speaker :

The Committee on Elections, to whom was referred Assembly bill No. 50, having had the same under consideration, respectfully report it back to the House, without amendment, and recommend its passage.

HOSMER,
 Chairman.

Assembly bill, No. 50, An Act to render Sheriffs ineligible for two terms in succession.

Mr. Stevenson moved to strike out the enacting clause.

Messrs. Baker, Amyx and Stevenson demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cammet, Chase, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Doughty, Edwards, Ferrell, Flournoy, Ferguson, Gaver, Gober, Graves, Gragg, Johnston of San Francisco, Keys, McCutchan, McConnell, Meredith, Phelps, Quinn, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Tahaferro, Updegraff, and Wells—44.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Cory, Dana, Douglas, Farley, Farwell, Gaylord, Hosmer, Jones, Kinney, Knox, Lincoln, Moreland, Murdock, Oxley, Palmer, Rodgers, Rowe, Vineyard, Waite, Whitney, Mr. Speaker—26.

Mr. Stevenson moved to reconsider the vote just taken.
Not agreed to

Mr. Meredith, Chairman, made the following report:

Mr. Speaker :

The Joint Committee on Enrollment have examined, and find correctly enrolled, An Act fixing the times of holding the County Courts, Courts of Session, and Probate Courts, in and for Butte county.

Also, An Act to change the time of holding Courts of Session, and County Courts, in the County of Napa.

H. B. MEREDITH,
Chairman.

Mr. Baker, Chairman, made the following report .

Mr. Speaker :

The Special Committee, to whom was referred Assembly bill No. 120, have had the same under consideration, and instructed me to report the same back to the House, with amendments, and recommend its passage.

BAKER,
Chairman.

Assembly bill, No. 120, An Act to create a Board of Supervisors in the Counties of Monterey and Santa Clara, and to define their duties and powers.

Amendments adopted, and the bill was farther amended and ordered engrossed.

Mr Farwell, Chairman, verbally reported Assembly bill No. 124, An Act to authorize Joseph S Wallis and Sarah Wallis to change the name of their infant son, Talbot Howard Green, to Talbot Howard Wallis

Bill considered engrossed, read third time, and passed.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, February 10, 1855. }

To the Assembly of California :

An Act which originated in the Assembly, entitled " An Act to provide for the Payment of the Salary of the County Judge of Sacramento County," is herewith returned without approval.

I am aware that the veto power has seldom been exercised by State Executives to prevent the consummation of special local legislation, for the reason that the immediate representatives of the people are presumed to be the better judges of the wants and necessities of their respective constituencies ; but the Act herewith returned is regarded as objectionable in so many important respects, that, however unwilling I may be to interpose my objections in such cases, I feel called upon to refuse its approval, and assign the reasons which influence my action in the matter.

The framers of the Constitution, in providing that the salaries of County Judges should neither " be *increased* nor *diminished* during the term for which they shall have been elected," evidently intended to discountenance special legislative interference, in any form, with the salaries of these officers.

It is urged in favor of this Act, that the salary of the County Judge is inadequate, and that its provisions afford the remedy.

If it be true that the Act accomplishes the avowed and only object of its passage, and, as designed by its advocates, *increases* the compensation of the County Judge, it practically, though indirectly, effects, at the sacrifice of the interests of other creditors of the county, that which is, in express terms, forbidden by the Constitution.

The second section of the Act provides that " the County Auditor shall, monthly, on the presentation of the Judge's account for salary for the preceding month, draw his warrant on the County Treasurer for the said month's salary, and the County Treasurer shall pay such warrant out of the *first money* received into the treasury after its presentation for payment."

The foregoing section is regarded as clearly requiring the Treasurer to pay, on the presentation of his warrant, the salary of the County Judge, monthly, in cash, and in preference to all other creditors of the county, and that, too, without designating the particular fund from which he shall be paid. It is well known that under other Acts, heretofore passed, funds have accrued in the County Treasury for the payment of interest on the funded debt of the county, for the support of indigent sick, and the erection of a county jail, all of which should have been excepted from the provisions of this Act, because specially set apart by law for other purposes, and the faith of the county pledged that they should be preserved inviolate.

The third section, which repeals " all laws inconsistent " with the Act under consideration, is too general in its terms, and certainly, if it effect anything, so far as Sacramento County is concerned, repeals the act of 17th May, 1853, which provides that county warrants " shall be subject to redemption only in the order in which it (they) stands registered or noted in the Treasurer's book." There are now registered county warrants outstanding, to the amount of \$20,000, which, under the Act of May 17th, 1853, the Treasurer is required to redeem out of the first moneys in the general fund. The act returned, however, is regarded as compelling the County Treasurer to set these aside and refuse payment until the salary of the County Judge shall have been paid. This would

not only be unjust to the holders of these registered warrants, but it is believed, would be an Act of bad faith to those creditors who have accepted evidences of county indebtedness, relying on the provisions of a law, which, it is now proposed, to expunge from the statute book, so far as they are concerned.

It is true that the amount appropriated by the Act is comparatively small, and I sincerely regret that there exists necessity for disagreement, on my part, with the immediate representatives of the people, in relation to its provisions; but they involve a principle believed to be not only at variance with the true policy of the State, either in the control of her own affairs, or in regulating the internal concerns of the several counties, but also, in my opinion, in conflict with the spirit of the Constitution.

No good reason, it is conceived, can be assigned why persons, who have furnished fuel, lights or stationery—who have served as jurors or witnesses, or performed labor for the county, in improving highways, erecting public buildings or bridges, or have otherwise contributed to the wants of the county, should be refused payment for articles furnished or labor performed, until a sum sufficient shall have been accumulated, over and above the amount due monthly to the County Judge.

In the liquidation of indebtedness, incurred by authority of law, justice can only be done by the exercise of that strict impartiality, which should, in all cases, characterize the transactions of State and County authorities; and it is believed to be correct in principle and just in practice, that no preference should be given to State or County officers over other public creditors.

Although local in its character and limited in its operations, the passage of this Act would establish a precedent for subsequent legislation, having in view similar objects, in the consideration of which, much valuable time would necessarily be consumed, and the statute book encumbered with special legislative enactments of doubtful propriety, and generally injurious in their consequences.

In this connection, I cannot refrain from again expressing sincere regret that I cannot, at all times and on all subjects, co-operate with the representatives of the people, but the important fact should be fully appreciated, that the Executive, equally with the Representative, is bound by the same high sense of duty—by the same solemn oath, to guard, well and faithfully, the Constitution and the common good of the people, and that in the performance of duty, no matter how unpleasant the task, he should never fail to dissent from measures by him deemed in conflict with the Constitution—erroneous in principle—or calculated, in their operation, to prove detrimental to the welfare of the people, or the prosperity of the State.

Actuated by these considerations alone, and entertaining that high respect and due deference which will ever by me be accorded to the expressed wishes and decisions of the representatives of the people, I feel called upon, in the present case, to withhold my approval, and herewith return the Act for your further consideration.

JOHN BIGLER.

On motion of Mr. Gober, bill and message were made the special order for Wednesday next, at 12 o'clock, M.

Resolution relative to printing 500 copies of Controller's, Treasurer's, and Attorney General's reports in Spanish,

Was taken up and lost.

Resolution relative to instructing the Secretary of State to order 500 extra copies of the Report of the Resident Physician of the Insane Asylum,

Was taken up and adopted.

Mr Smith moved to rescind the State Prison resolution adopted yesterday.

Agreed to.

On motion, the House adjourned.

IN ASSEMBLY.

MONDAY, February 12, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called, and the following members were absent:

Messrs. Arrington, Brewton, Curtis, Farwell, Flournoy, Johnson of El Dorado, McCutchan, Stevenson, Smith of Marin, Taliaferro, Vineyard, and Whitney.

Leave of absence was granted to Messrs. Bates, Cammet, Hosmer, and Whitney, for one day.

Journal was read and approved.

Mr. Gober presented a petition praying for the passage of a prohibitory liquor law.

Read and referred to the Committee on Vice and Immorality.

Mr. Doughty presented a petition from Messrs. McMahon & Peter, asking for relief.

Read and referred to Committee on Claims.

Assembly bill No. 137, An Act for the relief of Persons therein named, was considered in Committee of the Whole, and

On motion of Mr. Kinney, was recommitted, with the following special instructions: To require the Superintendent of Public Buildings to obtain, on affidavit, the cash prices of the articles furnished, as per Melvin's account, at the time furnished.

Assembly bill No. 139, An Act for the suppression of Immoral Assemblages.

Read second time, and referred to Committee on Vice and Immorality.

Assembly bill No. 140, An Act for the relief H. B. and C. E. Paine.

Read second time, and referred to Committee on Claims.

Assembly bill No. 141, An Act to appoint a Secretary to Courts of Record.

Read second time, and referred to Judiciary Committee.

Assembly bill No. 142, An Act to provide a Law Library for the Supreme Court.

Read second time, and referred to Judiciary Committee.

Assembly bill No. 144, An Act to authorize Isaac E. Davis and A. P. Jorden, and such others as they may associate with them, to construct a wharf at Santa Cruz into the Bay of Monterey, and to collect tolls on the same.

Read second time, and referred to Committee on Commerce.

Assembly bill No. 145, An Act to amend an Act entitled "An Act concerning the office of Public Administrator, and making it elective," passed April 15, 1851.

Read second time, and referred to Placer Delegation.

Assembly bill No. 146, An Act to authorize H. Henderson, John Dooling, R. Thompson, and such others as they may associate with them, to construct a wagon road from Eureka, in Nevada county, to the Truckee Meadows, east of the Sierra Nevada Mountains.

Read second time, and referred to Committee on Roads and Highways.

Mr. Ashley introduced a bill for An Act to fix the Time of holding the District Court in the Third Judicial District.

Read first time.

Mr. Edwards made the following report :

Mr. Speaker :

The Committee on the Judiciary report, that they have considered Assembly bill No. 143, entitled An Act to create a Board of Supervisors for Contra Costa County, and to define its powers and duties, and instruct me to recommend its passage, without amendment.

P. L. EDWARDS,
Chairman.

Assembly bill No. 143, as above reported, was ordered engrossed.

Mr. Ferrell, Chairman, made the following report:

Mr. Speaker :

The Judiciary Committee, to whom was referred the several bills to alter and change the Judicial Districts in this State, and to create new ones, have had the same under consideration, and a majority of said Committee have instructed me to report the following substitute, and recommend its passage.

FERRELL,
Chairman.

The substitute for Assembly bills, Nos. 38, 57, 103, as above reported, was referred to a select Committee, composed of Sierra, Nevada, Yuba, and Sutter delegations.

Mr. Moreland, Chairman, made the following report:

Mr. Speaker:

The Committee on Engrossment have examined and find correctly engrossed, "An Act to establish a Board of Supervisors for the County of Sacramento, and to define its duties and powers." Also, "An Act for the relief of the State Insane Asylum." And also, "An Act for the relief of the State Agricultural Society."

THOS. MORELAND,
Chairman.

Assembly bill No. 55, An Act to establish a Board of Supervisors for the County of Sacramento, and to define its powers and duties.

Read third time and passed.

Assembly bill No. 102, An Act for the relief of the State Insane Asylum.

Read third time and passed.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate yesterday passed Assembly bill No. 61, entitled, "An Act to amend an Act concerning the Courts

of Justice of this State, and Judicial Officers," passed May 19th, 1853. Also, that they passed a Concurrent Resolution, directing the Committees on State Libraries of the Senate and Assembly to confer with Mr. Olds, in reference to the purchase by the State of his Law Library." Also, that they passed Senate bill No. 5, entitled "An Act in relation to the Contingent Expenses of the Legislature." Also, that they passed Assembly Concurrent Resolution, requiring the State Treasurer to report to the Senate and Assembly the Financial Operations and Condition of the Treasury up to the first day of February, 1855.

WM. A. CORNWALL,

Secretary of Senate.

Senate Concurrent Resolution relative to the purchase by the State of the Law Library of Mr. Olds, was then considered.

Mr. Wells moved to amend the resolution, so as to make the Committee of Education on the part of the House the committee of reference.

Agreed to.

Resolution was then concurred in.

Senate bill No. 5, An Act entitled an Act in relation to the Contingent Expenses of the Legislature.

Read first time.

Mr. Stevenson moved to take from the table Concurrent Resolutions relative to adjourning *sine die*.

Not agreed to.

On motion of Mr. Ashley, Assembly bill No. 74, An Act for the relief of Preston K. Woodside was taken from the table.

Considered in Committee of the Whole, Mr. Wells in the chair, considered engrossed, read third time, and passed.

Mr. Gober, Chairman, made the following report:

Mr. Speaker :

The Committee on Education, to whom was referred Assembly bill No. 18 An Act to establish, support, and regulate a System of Common Schools, submit the following report:

Your Committee, fully conscious of the interest involved, have endeavored to consider the subject before them with that care and deliberation which its importance demands. They have noted with pleasure the progress of education, and multiplication of common schools during the past year, the very general and increasing interest throughout the State, in building up these institutions, where the poor as well as the rich, may receive a liberal education, and especially the cheering indications of a bright and prosperous future awaiting this enterprise upon the shores of the Pacific.

The bill before the Committee, proposes to make these schools as nearly free, as, in the judgment of your Committee, is practicable under existing circumstances, feeling well assured, at the same time, that the day is very near, when, with prompt and judicious legislation, these will, in every respect, be what they are designed—Free Public Schools, established upon a permanent basis, and second to those of no other State, in the vigorous healthfulness and efficiency of their operations. The Act under consideration remedies the confused arrangement of the present law, supplies some important provisions entirely left out of it, and removes some very objectionable features, which, if cherished, or even unnoticed, are calculated, if not to sap the very foundations and overturn the

entire fabric, would at least fetter the machinery, and cripple and render inefficient the entire system. Believing it conducive to a more vigorous and extended system of education, your Committee report the bill back, and recommend its passage, as amended.

GOBER,
Chairman.

Assembly bill No. 18, An Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same.

Made special order of the day for Friday next, at 12 o'clock, M.

Mr. Stevenson offered the following resolution :

Resolved, That the Assembly will devote Saturday of each week to the consideration of the unfinished business upon the Clerk's table.

Adopted.

The following message was received from the Senate:

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed, on Saturday last, Assembly bill No. 93, entitled "An Act to compensate William Coates and Samuel R. Weed, for reporting the evidence in the contested election case between E. R. Galvin and Samuel McCurdy.

WM. A. CORNWALL,
Secretary Senate.

On motion of Mr. Gober, Assembly bill No. 78, An Act for the relief of Peter Lothian, Sheriff of Humboldt county, was taken from the table.

Considered in Committee of the Whole, and, on motion, was laid on the table. Mr. Sherrard moved to adjourn.

Messrs. Stevenson, Ashley and Buffum demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Brewton, Burke, Cunningham of Sierra, Curtis, Dana, Farley, Foster, Ferguson, Gaver, Geller, Johnson of El Dorado, Meredith, Moreland, Murdock, Phelps, Sherrard, Smith of El Dorado, Updegraff, and Wells—23.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Baker, Beatty, Boles, Brown of Contra Costa, Brown of Nevada, Buffum, Cory, Cook, Cunningham of El Dorado, Douglas, Doughty, Edwards, Ferrell, Gaylord, Johnston of San Francisco, Jones,

Keys, Kinney, Lincoln, McCutchan, McConnell, Oxley, Palmer, Quinn, Rowe, Stevens, Stevenson, Stewart, and Mr. Speaker.—31.

Lost

Mr. Buffum moved a reconsideration of the vote just taken.

Agreed to.

Messrs. Ashley, Burke, and Brown of Contra Costa, demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Baker, Bogardus, Brown of Nevada, Buffum, Burke, Cory, Cunningham of El Dorado, Curtis, Dana, Foster, Ferguson, Gaver, Geller, Keys, Palmer, Sherrard, Smith of El Dorado. Updegraff, and Wells.—21.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Ashley, Adkison, Beatty, Boles, Brewton, Brown of Contra Costa, Cook, Cunningham of Sierra, Douglas, Doughty, Edwards, Ferrell, Gaylord, Gober, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, Lincoln, McCutchan, McConnell, Meredith, Oxley, Phelps, Quinn, Rowe, Stevens, Stevenson, Stewart, Taliaferro, and Mr. Speaker—32.

Lost.

Mr. Edwards made the following report:

Mr. Speaker:

The Committee on the Judiciary instruct me to report Assembly bill No. 17, entitled An Act prescribing the manner of electing United States Senators, with an amendment to the fourth section thereto attached.

The Committee recommend the adoption of the amendment, and the passage of the bill.

P. L. EDWARDS,

Chairman.

Assembly bill No. 17, as above reported, Mr. Amyx moved to lay on the table.

Not agreed to.

The amendment was adopted.

Mr. Amyx moved the following amendment: "Insert after 'States,' in section second, line third, 'and of the Constitution of the State of California.'"

Not agreed to

Mr. Amyx moved an adjournment.

Lost.

The bill was read a third time and passed.

The House then adjourned.

IN ASSEMBLY.

TUESDAY, February 13, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called and the following members were absent:

Messrs. Curtis, Oxley and Rogers.

The Journal was read and approved.

Mr. Brown of Contra Costa presented a petition for a prohibitory liquor law. Read, and referred to Committee on Vice and Immorality.

Mr. Gober presented a petition of the same import.

Read, and referred to Committee on Vice and Immorality.

Mr. Ryland presented a petition from Santa Clara county, relative to fluming and ditching.

Read and referred to Committee on Corporations.

Senate bill No. 5, a bill for An Act in relation to the Contingent Expenses of the Legislature.

Read second time, and referred to Committee on Ways and Means.

Assembly bill No. 147, An Act to fix the time of holding the District Court in the Third Judicial District.

Read second time, and referred to the delegation from the district.

Mr. Taylor introduced a bill for An Act for the Protection of Burial Cemeteries.

Read first time.

Mr. Watkins introduced a bill for An Act relative to the safe keeping of the public moneys.

Read first time.

Mr. Hosmer introduced a bill for An Act concerning the Records in the office of the County Recorder of San Francisco county.

Read first time.

Mr. Buffum introduced a bill for An Act to authorize the Attorney General to prosecute suits in the name of the State.

Read first time.

Mr. Sherrard gave notice that he would introduce a bill for An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1854.

Mr. Arrington gave notice that he would introduce a bill to create a Board of Supervisors for the County of Klamath, and define the duties of the same.

Mr. Edwards, Chairman, made the following report:

Mr. Speaker :

The Committee on the Judiciary report that they have considered Assembly bill No. 128, entitled An Act amendatory of and supplementary to an Act en-

titled an Act concerning Crimes and Punishments, passed April 16, 1850, and recommend its indefinite postponement.

Respectfully submitted,

P. L. EDWARDS,
Chairman.

Assembly bill No. 128, as reported above, was indefinitely postponed.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker:

The Committee on the Judiciary have considered Assembly bill No. 15, entitled An Act to amend an Act entitled an Act defining the time for commencing Civil Actions, passed April 22, 1850, and instruct me to report the accompanying substitute for the original bill and amendments, and recommend its passage.

Respectfully, &c.

P. L. EDWARDS,
Chairman.

Assembly bill No. 15, as above reported, substitute was adopted, and ordered printed.

Mr. Douglas, Chairman, made the following report :

Mr. Speaker :

The Committee of Ways and Means, to whom was referred the bill entitled An Act to prescribe the manner of issuing and redeeming Scrip, and the duties of officers in relation thereto in the counties, cities, and incorporated towns of this State, have had the same under consideration, report it back with substitute, and recommend passage of the substitute.

DOUGLAS,
Chairman.

Assembly bill No. 67, above reported, substitute was adopted, and was referred to Committee of the Whole, and made the special order of the day for Thursday next, 12 M.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, on the 2d instant, Assembly Concurrent Resolution, directing the Superintendent of Public

Buildings to turn over certain public furniture to the Common Schools of Sacramento county.

WM. A. CORNWALL,
Secretary Senate.

February 10, 1855.

Mr. Ashley made the following report :

Mr. Speaker :

The Judiciary Committee have considered the Act to amend an Act regulating Proceedings in Criminal Cases, propose an amendment, and it being adopted, recommend the passage of the bill.

ASHLEY,
Of Committee.

Assembly bill No. 130, above reported, amendments were adopted, and the bill was ordered engrossed.

Mr. Ryland gave notice that he would introduce a bill for An Act to authorize H. D. Scott to construct a wagon road from the Santa Clara Valley to the town of Santa Cruz.

Mr. Gober made the following report :

Mr. Speaker :

The Committee of fifteen, to whom was referred Assembly bill No. 23, An Act concerning Estrays, report the same back, and recommend its passage as amended.

GOBER,
Of the Committee.

The House resolved itself into a Committee of the Whole, (Mr. Baker in the chair,) to consider the bill.

Committee rose, reported, and had leave to sit again.

The Special Committee of twelve, upon Fee bills, report :

That in their opinion no general Fee bill can be framed which will not operate oppressively and unjustly in some of the counties of this State. They therefore recommend the passage of Mr. Ashley's bill, with the proposed amendments, as the one appropriate for the largest number of counties in this State; and the county of San Francisco, and such other counties as desire a greater reduction of fees than that proposed in the before named bill, be excepted, and for these counties, the rate of fees recommended in Mr. Dana's bill is recommended, and such further exception in favor of other counties opposed to a reduction of Fees, as may be necessary and proper.

Mr. Ferrell verbally reported Assembly bill No. 20, and was discharged, and bill committed to special committee of five.

Mr. Baker made the following report :

Mr. Speaker :

The Special Committee, to whom was referred the subject of the engrossment and third reading of bills, have had the same under consideration, and instruct me to report the following rules, and recommend their adoption—

RULES.

When a bill is read the first time, the Speaker shall announce, "This is the first reading of the bill," and if no objections be made, shall cause the bill to be read a second time by its title.

When a bill is read a second time, the Speaker shall announce, "This is the second reading of the bill, and is now ready for commitment or amendment."

And after all amendments are made or considered in by the House, the question will be on the engrossment and third reading of the bill.

But no bill shall be read a third time on the same day it is amended, unless by unanimous consent.

Mr. Ashley moved to amend by striking out all after word "bill" in 13th line.

Agreed to.

The rules were then adopted.

The following message was received from the Senate:

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed yesterday, with an amendment, Assembly bill No. 96, entitled "An Act to provide for Funding the Debt of San Joaquin County, for the payment of the interest thereon, and for the general liquidation of the Debt," approved April 20, 1852, and to amend the 13th section of the same.

Also, that they passed, with amendments, Assembly bill No. 75, entitled An Act to authorize the county of Sacramento to Fund the Outstanding Warrants drawn against the Court House and Jail Fund of the county.

WM. A. CORNWALL,
Secretary of Senate.

February 13, 1855.

Senate bill No. 96, above reported, Senate amendments concurred in.

Assembly bill No. 75, above reported, Senate amendments concurred in.

Mr. Moreland, Chairman, offered the following resolution :

Resolved, That the Engrossing Clerk be authorized to employ an assistant, until such time as the accumulating business is disposed of.

Adopted.

On motion of Mr. Oxley, the House resolved itself into Committee of the Whole, Mr. Ashley in the chair.

On Joint Resolution No. 1, Committee rose, reported progress, and asked leave to sit again.

On motion of Mr. Farwell, the House took a recess of five minutes.

House re-assembled.

The Clerk informed the Senate that the Assembly was ready to meet them in Joint Convention.

The Sergeant-at-Arms announced the President and Senate.

IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that all the Senators were present except Mr. De La Guerra.

House roll called, and Messrs. Hosmer and Rodgers absent.

Mr. Farley offered the following resolution :

Resolved, That this Convention do now adjourn *sine die*.

Laid on the table.

The Convention then proceeded to take the forty-fifth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Keys, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, McFarland, Peck, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Buffum, Cammet, Flournoy, Gaver, Geller, Jones, Lincoln, Sherrard, Stewart and Wells, of the Assembly.

Mr. Coombs, of the Assembly, voted for Mr. Latham.

Mr. Ferrell, of the Assembly, voted for B. Peyton.

Mr. Phelps, of the Assembly, voted for Mr. Field.

Mr. Ryland, of the Assembly, voted for Mr. A. C. Peachy.

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-four.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-eight votes.

Mr. Edwards received thirty-four votes.

Mr. McCorkle received eighteen votes.

Mr. Latham received one vote.

Mr. Peyton received one vote.

Mr. Field received one vote.

Mr. Peachy received one vote.

Mr. Wells, of the Assembly, withdrew the name of J. H. McCorkle, Esq., as a candidate for Senator of the United States.

Mr. Kendall, of the Senate, moved that the Convention adjourn until to-morrow at 2 o'clock.

Upon which the ayes and noes were demanded by Messrs. Buffum, Flournoy and Arrington, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Kendall, French, Leake, Mahoney, Mandeville, Rust and Tuttle, of the Senate, and

Mr. Arrington, of the Assembly—8.

Those who voted in the negative were—

NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Lippincott, May, McCoun, McFarland, McGarry, McNeil, Moore, Norman, Peck, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Amyx, Ashley, Adkison, Baker, Beatty, Bates, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cammet, Cory, Chase, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, McConnell, Mellus, Meredith, Murdock, Oxley, Palmer, Phelps, Quinn, Rowe, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of Marin, Smith of El Dorado, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Waite, Whitney, Wells and Mr. Speaker, of the Assembly—98.

No person having received a majority of all the votes cast, the Convention then proceeded to the forty-sixth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellon, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Goler, Gragg, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. Roman were—Messrs. Flint, May, McFarland, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Ferrell, Flourney, Gaver, Geller, Jones, Phelps, Ryland and Stewart, of the Assembly.

Mr. Rust, of the Senate, voted for Mr. Field.

Mr. Buffum, of the Assembly, voted for I. C. Woods.

Mr. Coombs, of the Assembly, voted for Mr. Latham.

Mr. Edwards, of the Assembly, voted for J. M. Howell.

Mr. Wells, of the Assembly, voted for J. Walkup.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-seven votes.

Mr. Roman received fifteen votes.

Mr. Field received one vote.

Mr. Woods received one vote.

Mr. Howell received one vote.

Mr. Walkup received one vote.

Mr. Latham received one vote.

Mr. Farwell, of the Assembly, submitted the following resolution:

Resolved, That when this Convention shall have balloted sixty times for a United States Senator, provided there be no election, it stand adjourned *sine die*.

Laid upon the table.

No person having received a majority of all the votes cast, the Convention then proceeded to take the forty-seventh vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Geller, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. Roman were—Messrs. Flint, May, McFarland, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Ferrell, Flournoy, Gaver, Jones, Phelps, Ryland, Stewart and Wells, of the Assembly.

Mr. Rust, of the Senate, voted for Mr. Field.

Mr. Buffum, of the Assembly, voted for I. C. Woods.

Mr. Coombs, of the Assembly, voted for Mr. Latham.

Mr. Doughty, of the Assembly, voted for B. Peyton.

Whole number of votes cast, one hundred and seven.
Necessary to a choice, fifty-four.

Mr. Broderick received thirteen votes.

Mr. Gwin received thirty-eight votes.

Mr. Edwards received thirty-seven votes.

Mr. Roman received fifteen votes.

Mr. Field received one vote.

Mr. Woods received one vote.

Mr. Latham received one vote.

Mr. Peyton received one vote.

Mr. French, of the Senate, moved that the Convention adjourn until Thursday next.

Lost.

Mr. Flint moved that the Convention adjourn until to-morrow, at 2 P. M.

Agreed to.

The Senate withdrew.

The House, on motion of Mr. Farwell, adjourned until to-morrow, at 10 o'clock, A. M.

IN ASSEMBLY.

WEDNESDAY, February 14, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll was called, and the following members were absent:

Messrs. Arrington, Curtis, Ferrell, Flournoy, Jones, Kinney, Knox, Lincoln, Stewart, Vineyard, and Wells.

Leave was granted to Mr. Hosmer for four days.

Mr. Gober presented a petition, asking for the passage of a Prohibitory Liquor Law.

Read, and referred to Committee on Vice and Immorality.

Mr. Phelps presented a petition upon the same subject.

Read, and referred to same committee.

Mr. Taylor presented a petition protesting against the extension of the jurisdiction of Justices of the Peace in San Francisco.

Read, and referred to Committee already appointed, Mr. Buffum chairman.

Assembly bill No. 148, An Act relative to the safe keeping of the public moneys.

Read second time, and referred to Committee on Public Expenditures

Assembly bill No. 149, An Act concerning the Records in the Office of the County Recorder of San Francisco county.

Read second time, and referred to San Francisco delegation.

Assembly bill No. 150, An Act to authorize the Attorney General to prosecute suits in the name of the State.

Read second time, and referred to Judiciary Committee.

Assembly bill No. 151, An Act for the protection of Rural Cemeteries.

Read second time, and referred to Committee on Accounts and Expenditures.

Mr. Oxley introduced a bill for An Act amendatory of and supplementary to the first section of an Act explanatory of an Act entitled an Act to prohibit Lotteries, passed March 11, 1851. (Passed May 15, 1854.)

Read first and second time, and referred to Committee on Vice and Immorality.

Mr. Ryland introduced a bill for An Act to authorize Hiram D. Scott to construct a Wagon Road from the town of Santa Cruz to the Santa Clara Valley.

Read first and second time, and referred to Committee on Roads and Highways.

Mr. Sherrard introduced a bill for An Act to amend an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

Read first and second time, and referred to the Judiciary Committee.

Mr. Watkins introduced a bill for An Act to provide for the construction of a

Line of Telegraph between the Port of San Francisco and the Eastern Line of the State of California, the place of location of the Pacific Line of Telegraph connecting with the same.

Read first and second time. and referred to Committee on Internal Improvements.

Mr. Stevens gave notice that he would introduce a bill for an Act to create a Board of Supervisors for the County of Calaveras.

Mr. Burke gave notice that he would introduce a bill to provide for the indigent sick of Mariposa county.

Mr. Ashley made a verbal report of Assembly bill No. 147, An Act to fix the time of holding the District Court in the Third Judicial District.

The bill was considered engrossed, read third time, and passed.

Mr. Ryland, of the Judiciary Committee, made the following report :

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No. 28, for "An Act proposing to the seventh Legislature an amendment to the Constitution of the State of California, having had the same under consideration, beg leave to report a substitute, and recommend its passage.

RYLAND,
Of Committee.

Assembly bill No. 28, above reported, substitute was ordered to be printed.

Mr. Buffum, Chairman, made the following report :

Mr. Speaker :

The Committee on Commerce and Navigation, to whom was referred Senate bill No. 7, have had the same under consideration, and have authorized me to report the same and recommend its passage, with one amendment.

The Committee have also had under consideration Assembly bill No. 144, and have instructed me to report the same, and recommend its passage, with the following amendment :

Amend the title by inserting, "And such others as they may associate with them," after A. P. Jorden.

BUFFUM,
Chairman.

Senate bill No. 7, above reported, was considered engrossed.

Read third time, amendments adopted, and passed.

Assembly bill No. 144, "An Act to authorize Isaac E. Davis and A. P. Jorden, and such others as they may associate with them, to construct a wharf at Santa Cruz into the Bay of Monterey, and to collect tolls on the same," amended, and ordered engrossed.

Mr. Waite, Chairman, made the following report :

Mr. Speaker:

The Committee on Claims having had under consideration the petition of McMahon & Peters, praying for the reimbursement to them by the State of the enormous sum of eighty-three dollars ; said sum having been paid the Sheriff of Solano county

for taxes on property after the same property had been taxed in the Territory of Utah, would respectfully report, that in the opinion of the Committee, the redress sought for must be obtained from the Territory of Utah, and not of the State of California; the property of the petitioners being justly liable to be taxed in this State. The Committee, therefore, recommend the indefinite postponement of the petition.

WAITE,
Chairman.

Adopted.

Mr. Gober, from Committee on Claims, made the following report :

Mr. Speaker :

The Committee on Claims, to whom was referred the petition of Edward Wehler for relief, report the same back to the House, and recommend the passage of the accompanying Act.

GOBER,
Of Committee.

Assembly bill above reported was read the first time.

Mr. Smith, of Marin, from the Committee on Claims, made the following report :

Mr. Speaker :

The Committee on Claims, to whom was referred the annexed paper, have had the same under consideration, and beg leave to report : That with no petition setting forth any claim, and no witness to prove any, your Committee meet with very grave difficulties in ascertaining if the matter really belongs to them.

It appears to be an account for services as Armorer of the State, from February 1 to May 3, 1851, only four years since. A certificate, dated September 16, 1854, is attached, purporting to be signed by "Jno. C. Morehead, late Q. M. G. State of California," and stating the account to be "just and correct."

Your Committee are informed by Captain Stone, U. S. A., that no arms were turned over from the General Government to the State till March, 1851; so that at least thirty days of time charged was spent, as your Committee suppose, (not being versed in military affairs,) in "preparing to carry arms"

Having reached this point, your Committee being peaceable men, felt their inability to decide upon what, for aught they know, may embrace one of those stratagetic devices in which grim-visaged war delights; and noticing in the list of Committees one that embraces titles enough to insure wisdom, do return the account to the House, and recommend its reference to the Committee on Military Affairs.

On behalf of the Committee.

H. P. A. SMITH.

Mr. Mellus verbally reported Senate bill No. 48, An Act appropriating money to pay Postage.

Read third time and passed.

Mr. Mellus presented a claim for papers furnished the Legislature last session.

Referred to Committee on Claims.

Mr. Doughty, Chairman, made the following report :

Mr. Speaker:

The Committee on Public Lands, to whom was referred Assembly bill No. 105, An Act to provide for the disposal of lots in the towns or villages on the public lands in the county of Humboldt, have examined the same, and respectfully beg leave to recommend its passage, with the amendment annexed.

DOUGHTY,
Chairman.

Assembly bill No. 105, An Act to provide for the Disposal of Lots in the Towns or Villages on the Public Lands in the County of Humboldt, above reported, was amended, and ordered engrossed.

Mr. Oxley, from Committee on Elections, made the following report :

The Committee on Elections, to whom was referred Assembly bill No. 24, have had the same under consideration, and report it back to the House with amendments and additional sections, and unanimously recommend its passage.

OXLEY,
Of Committee.

Assembly bill No. 24, An Act to provide for the Registry of Names of legally qualified Voters in the incorporated Cities of the State, prior to being permitted to vote at any General Election, above reported.

Re-committed, with instructions to report before Wednesday next.

Assembly bill No. 27, An Act to provide for the Payment of the Salary of the County Judge of Sacramento County, which was returned with the objections of the Governor on Saturday last, and made the special order of this day, was then taken up.

Mr. Hunt moved a call of the House.

Sustained.

The roll was called, and the following members were absent :

Messrs. Boles, Cory, Chase, Curtis, Farwell, Johnston of San Francisco, McConnell, Rowe, Sherrard, Smith of Marin, and Taliaferro.

Sergeant-at-Arms was dispatched for absentees.

Absentees appeared at the bar, were admitted, and excused.

Mr. Gaver moved the previous question.

Sustained.

The question was put, " Shall the bill pass, notwithstanding the veto of the Governor ? " with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Bogardus, Boles, Brown of Contra Costa, Cunningham of El Dorado, Edwards, Farley, Ferrell, Gaver, Geller, McCutchan, Oxley, and Palmer—12.

Those who voted in the negative were—

NOTES.

Messrs. Andrews, Amyx, Arrington, Ashley, Adkison, Baker, Bates, Beatty, Brown of Nevada, Burke, Cammet, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Dana, Douglas, Doughty, Farwell, Flournoy, Foster, Ferguson, Gaylord, Gober, Graves, Gragg, Hunt, Johnson of El Dorado, Jones, Keys, Kinney, Knox, McConnell, Mellus, Meredith, Moreland, Murdock, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevens, Sherrard, Singley, Smith of El Dorado, Stewart, Taylor, Updegraff, Vineyard, Watkins, Waite, Wells, Whitney, and Mr. Speaker—56.

So the bill did not pass.

Mr. Ashley gave notice that he would move to amend the third standing rule of the House.

Mr. Moreland, Chairman, made the following report ;

Mr. Speaker:

The Committee on Engrossment have examined, and find correctly engrossed An Act fixing the times of holding the Courts authorized to be held by the County Judges of Shasta, Santa Clara, and Monterey. Also,

An Act to authorize Joseph S. Wallis and Sarah Wallis to change the name of their infant son, Talbot Howard Green, to Talbot Howard Wallis. Also,

An Act to amend an Act concerning Courts of Justice in this State, and Judicial Officers, passed May 9, 1853. Also,

An Act concerning private Seals. And also,

An Act for the relief of Preston K. Woodside.

THOS. MORELAND,

Chairman.

Assembly bill No 29, An Act to amend an Act concerning Courts of Justice in this State and Judicial Officers, passed May 19, 1853.

Read third time and passed.

Assembly bill No. 138, An Act concerning private Seals.

Mr. Graves made the following report :

Mr. Speaker :

The Delegations from San Luis Obispo and Monterey, to whom was referred Assembly bill No. 81, for An Act to legalize certain Records in San Luis Obispo County, have had the matter under consideration, and report it back to the House, and recommend that the second section be stricken out, and the passage of the bill.

W. J. GRAVES,
D. R. ASHLEY.

Assembly bill No. 81, An Act to legalize certain Records in San Luis Obispo County, above reported.

Amended, and ordered engrossed.

The following message was received from the Senate:

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed, yesterday, a Concurrent Resolution, directing the Surveyor General of the State of California to confer with the United States Surveyor General for California, in relation to the cost of a Map of the United States Township Surveys, &c.

Also, that they passed Senate bill No. 10, entitled An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers.

Also, that they concurred in the amendment made by the Assembly to Senate Concurrent Resolution, directing certain Committees to confer with Mr. Olds in relation to the purchase of his Law Library.

Also, that they indefinitely postponed Assembly Concurrent Resolution, directing the Controller of State to audit and allow the per diem pay of the Officers and Attaches of the Senate and Assembly, under an Act passed May 15, 1854, until the date of its repeal.

Also, that they passed Senate bill No. 2, entitled An Act to fund the Indebtedness of the State existing in the form of State Controller's Warrants, drawn upon the Treasurer of State, between the 30th day of June, A. D. 1853, and the first day of July, A. D. 1855.

W. A. CORNWALL.

Secretary Senate.

Senate Concurrent Resolution, relative to furnishing Maps by the Surveyor General.

Concurred in.

Senate bill No. 10, An Act to create Boards of Supervisors in the Counties of this State, and to define their duties and powers.

Read first and second time, and referred to Judiciary Committee.

Senate bill No. 2, An Act to fund the Indebtedness of the State, existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of June, A. D. 1853, and the 1st day of July, A. D. 1855.

Read first and second time, and referred to Committee on Ways and Means.

On motion of Mr. Whitney, Senate bill No. 76, An Act to amend an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853.

Read third time and passed.

Mr. Arrington offered the following resolution :

Resolved, That a Committee of three be appointed to invite Major Gen. John E. Wool within the bar of the Assembly.

Messrs. Arrington, Flournoy, and Kinney, were appointed the Committee.

Mr. Bogardus offered a resolution relative to the distribution of Public Documents.

Laid on the table.

Mr. Kinney offered the following resolution :

Resolved, That the Committee on Accounts and Expenditures be instructed to inquire into the expediency and necessity of providing by law a yearly salary for the District Attorneys of different Counties in this State, and to report by bill or otherwise, as they may think proper.

Adopted.

Committee introduced Major General John E. Wool.

On motion of Mr. Arrington, House took a recess till 2 o'clock, P. M.

House re-assembled

The Clerk informed the Senate that the Assembly was ready to meet them in Joint Convention.

The Sergeant-at-Arms announced the President and Senate.

IN CONVENTION.

The two Houses met in the Hall of the Assembly in Joint Convention, to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. De La Guerra and McCoun of the Senate, and Messrs. Adkison, Edwards, and Hosmer, of the House, were absent.

The Convention then proceeded to take the forty-eighth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Hall, Lipincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Gaver, Graves, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Bates, Brown of Contra Costa, Buffum, Cory, Curtis, Dana, Douglas, Doughty, Farwell, Farley, Ferguson, Gaylord, Gober, Gragg, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. Roman were—Messrs. Flint, May, McFarland, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Geller, Jones, Phelps, Rodgers, Ryland, Stewart and Wells, of the Assembly.

Mr. Rust, of the Senate, and Mr. Clayton, of the Assembly, voted for Mr. Field.

Messrs. Coombs, Ferrell and Kinney, of the Assembly, voted for Mr. Latham.

Whole number of votes cast, one hundred and six.
Necessary to a choice, fifty-four.

Mr. Broderick received twelve votes.
Mr. Gwin received thirty-eight votes.
Mr. Edwards received thirty-six votes.
Mr. Roman received fifteen votes.
Mr. Field received two votes.
Mr. Latham received three votes.

Mr. Buffum, of the Assembly, submitted the following resolution:

Resolved, That this Convention do now adjourn *sine die*.

Upon which the ayes and noes were demanded by Messrs. Buffum, Douglas and Farwell, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Colby, Crenshaw, Day, Gove, Hall, Heintzelman, Hook, Keene, Kendall, Lippincott, Mahoney, Mandeville, May, McFarland, McGarry, McNeil, Moore, Norman, Peck, Rust, Scellen, Sprague and Whiting, of the Senate, and

Messrs. Amyx, Arrington, Baker, Bates, Beatty, Boles, Brewton, Brown of Nevada, Cammet, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Foster, Geller, Graves, Hunt, Johnston of San Francisco, Kinney, McCutchan, Murdock, Phelps, Quinn, Rodgers, Rowe, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart and Taliaferro, of the Assembly—59.

Those who voted in the negative were—

NOES.

Messrs. Burton, Flint, French, Hawks, Hawthorne, Leake, Stebbins and Tuttle, of the Senate, and

Messrs. Andrews, Ashley, Adkison, Bogardus, Brown of Contra Costa, Buffum, Burke, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Gober, Gragg, Johnson of El Dorado, Jones, Keys, Knox, Lincoln, McConnell, Mellus, Meredith, Moreland, Oxley, Palmer, Ryland, Sherrard, Taylor, Updegraff, Watkins, Waite, Wells, Whitney and Mr. Speaker—49.

No person having received a majority of all the votes cast, the Convention proceeded to take the forty-ninth vote.

Those who voted for Mr. D C Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heint-

zelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, and Norman of the Senate and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Gaver, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins of the Assembly.

Those who voted for Mr. Philip L. Edwards were—Messrs. Burton, Hawks, Hawthorne and McGarry, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. Roman, were—Messrs. Flint, May, McFarland and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Stewart and Wells, of the Assembly.

Those who voted for Mr. Peachy were—Messrs. Peck and Scellen, of the Senate, and

Messrs. Graves, Johnson of El Dorado, Jones, and Rodgers of the Assembly.

Mr. Stebbins, of the Senate, voted for Mickey Free.

Mr. Rust, of the Senate, and Messrs. Clayton, Geller, Phelps, and Ryland, of the Assembly, voted for Mr. Field.

Messrs. Coombs, Ferrell and Kinney, of the Assembly, voted for Mr. Latham

Mr. Burke, of the Assembly, voted for Mr. Fremont.

Mr. Buffum, of the Assembly, voted for John E. Wool.

Mr. Doughty, of the Assembly, voted for B. Peyton.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-six votes.

Mr. Edwards received thirty-two votes.

Mr. Roman received eight votes.

Mr. Peachy received eight votes.

Mr. Latham received three votes.

Mr. Field received five votes.

Mr. Wool received one vote.

Mr. Fremont received one vote.

Mr. Peyton received one vote.

Mr. Free received one vote.

No election.

Mr. Heintzelman moved to adjourn.

Not agreed to.

Mr. Stevenson offered the following resolution:

Resolved, That this Convention do now adjourn to meet again on the 19th day of March next, at 2 o'clock P. M.

Laid on the table.

Mr. Oxley submitted the following resolution:

Resolved, That this Convention do now adjourn to meet again on the 31st day of December next.

Which the President declared to be out of order.

Mr. Farwell submitted the following resolution:

Resolved, That when this Convention shall have balloted sixty times, provided there be no election, it stand adjourned *sine die*

Laid upon the table.

Mr. Kinney, of the Assembly, moved that the Convention adjourn until to-morrow at 2 P. M.

Carried.

The House then adjourned until 11 o'clock, A. M., to-morrow.

IN ASSEMBLY.

THURSDAY, February 15, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called and the following members were absent:

Messrs. Andrews, Edwards, Flournoy, and Palmer.

Journal of yesterday was read and approved.

Mr. Gober presented a petition from the citizens of Diamond Springs, praying for a prohibitory liquor law.

Read, and referred to Committee on Vice and Immorality.

Mr. Gober presented a memorial from the Educational Convention, in relation to "ways and means, the public school property, and the adoption of the free school system in California."

Referred to Committee on Education.

Assembly bill No. 153, An Act for the relief of Edward Wehler.

Read second time, and referred to Committee on Claims.

Mr. Cammet introduced a bill for An Act concerning the Appropriations made by Congress in payment of the War Indebtedness of the State.

Read first and second times, and referred to Committee on Ways and Means, and 240 copies ordered printed.

Mr. Rodgers introduced a bill for An Act concerning the Payment of Rent of Property seized in Execution.

Read first and second times, and referred to Judiciary Committee.

Mr. Burke introduced a bill for An Act supplementary to an Act passed May 15, 1854, entitled an Act to fund the Debt of Mariposa County, and provide for the payment of the same.

Read first and second time, and referred to Mariposa delegation.

Mr. Ferrell introduced a bill for An Act to prohibit the carrying of Deadly Weapons in Cities, Towns and Villages of this State.

Read first and second time, and referred to select Committee—Keys, Chairman.

Mr. Buffum gave notice that he would introduce a bill to provide for the Publication of the Laws in the Newspapers of this State

Mr. Sherrard gave notice that he would introduce a bill for An Act creating a Board of Supervisors in and for the County of Sutter, and define their powers and duties.

Mr. Watkins gave notice that he would introduce a bill for An Act granting certain rights to Aliens.

Mr. Graves gave notice that he would introduce a bill for An Act to provide for the erection of Jails in the several counties of this State.

A communication was read from the State Treasurer, relative to auditing the accounts of members and officers of the Legislature, together with an opinion of the Attorney General on the same subject.

Read, and referred to Committee on Ways and Means.

A communication was received from the Controller of State, relative to the un-audited outstanding indebtedness of the State up to February 1, 1855.

Read, referred to Committee on Ways and Means, and ordered printed.

Mr. Rodgers, from the Judiciary Committee, made the following report :

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 141, for An Act to appoint a Secretary to Courts of Record, have had the same under consideration, and report it back, recommending its passage, with amendments, and the fifth section to be stricken out.

RODGERS,
Chairman.

Assembly bill No 141, An Act to appoint a Secretary to Courts of Record.
Amendments adopted, and laid on the table.

Mr. Whitney, Chairman, made the following report :

Mr. Speaker :

The Committee on Corporations, to whom was referred Assembly bill No. 121, have, according to order, had the same under consideration, and have directed me to report the same, with sundry amendments.

WHITNEY,
Chairman.

Assembly bill No. 121, An Act for securing Liens to Mechanics and others.

Referred to Judiciary Committee.

Mr. Whitney, Chairman, made the following report :

Mr. Speaker :

The Committee on Corporations, to whom was referred Assembly bill No. 132, have, according to order, had the same under consideration, and have directed me to report the same without amendment.

WHITNEY,
Chairman.

Assembly bill, No. 132, An Act concerning offices of Controller and Treasurer of State, as reported above.

Amended, and ordered engrossed.

House resolved itself into Committee of the Whole, Mr. Oxley in the chair, on Joint Resolution No. 1, being special order for this day at 12 o'clock, M., having been considered, the Committee rose, reported, and had leave to sit again.

On motion, the House took a recess until 2 o'clock, P. M.

House re-assembled.

The Clerk informed the Senate that the House were ready to meet them in Joint Convention.

Sergeant-at-Arms announced the President and Members of the Senate.

IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The roll was called.

Mr. De la Guerra of the Senate, and Mr. Ashley of the House, were absent.

Mr. Sherrard, of the Assembly, submitted the following resolution:

Resolved, That this Convention do now indefinitely postpone the whole subject matter of the election of a United States Senator to succeed the Hon. Wm. M. Gwin, whose term of office expires by limitation of law on the 4th of March next.

Mr. Mandeville of the Senate, moved to lay the resolution upon the table.

Mr. Leake, of the Senate, moved a call of the Convention.

Agreed to.

The roll was again called, when it was found that Messrs. De la Guerra of the Senate, and Ashley, Covarrubias and McConnell of the Assembly, were absent without leave.

Mr. Ashley of the House was excused.

The Sergeant-at-Arms was despatched after the absentees.

Mr. Flournoy, of the Assembly, moved that further proceedings under the call be dispensed with.

Agreed to.

On the motion to lay on the table, the ayes and noes were demanded by Messrs. Hawks, Farwell and Sherrard, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Colby, Crenshaw, Day, Flint, Gove, Hall, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, May, McFarland, McGarry, McNeil, Norman, Peck, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Amyx, Arrington, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Ferrell, Foster, Gaver, Geller, Graves, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Kinney, Knox, McCutchan, Mellus, Meredith, Murdock, Palmer, Phelps, Quinn, Rowe, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro and Vineyard of the Assembly—66.

Those who voted in the negative were—

NOES.

Messrs. Burton, French, Hawks, Hawthorne, Mahoney, McCoun, Rust and Tuttle, of the Senate, and

Messrs. Andrews, Adkison, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Dana, Douglas, Doughty, Farley, Farwell, Flournoy, Ferguson, Gaylord, Gober, Gragg, Jones, Keys, Lincoln, McConnell, Moreland, Oxley, Rodgers, Sherrard, Taylor, Updegraff, Watkins, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—41.

So the resolution was laid on the table.

Mr. McGarry, of the Senate, submitted the following resolution:

Resolved, That when this Convention adjourn it adjourn to meet on Wednesday, the 11th of March next.

Mr. McFarland moved to lay the resolution upon the table.

Upon which the ayes and noes were demanded by Messrs. Knox, Mandeville and McGarry, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Hall, Hawks, Hawthorne, Heintzelman, Keene, Lippincott, Mahoney, May, McCoun, McFarland, Moore, Rust, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Amyx, Arrington, Bates, Brown of Contra Costa, Brown

of Nevada, Buffum, Cammet, Cory, Chase, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Dana, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevenson, Singley, Sherrard, Smith of El Dorado, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—82.

Those who voted in the negative were—

NOES.

Messrs. French, Gove, Hook, Kendall, Leake, Mandeville, McGarry, McNeil, Norman, Peck, Scellen and Tuttle, of the Senate, and

Messrs. Adkison, Baker, Beatty, Bogardus, Boles, Brewton, Burke, Coombs, Cook, Cunningham of El Dorado, Doughty, Stevens, Smith of Marin, of the Assembly—25.

Laid on the table.

The Convention then proceeded to take the fiftieth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Cook, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. Roman were—Messrs. Flint, May, McFarland and Stebbins, of the Senate, and

Messrs. Cammet, Clayton, Flournoy, Gaver, Geller, Jones, Phelps, Rodgers, Ryland, Stewart and Wells, of the Assembly.

Mr. Rust, of the Senate, and Mr. Sherrard, of the Assembly, voted for Mr. Field.

Mr. Buffum, of the Assembly, voted for Mr. J. E. Wainwright.

Messrs. Coombs and Doughty, of the Assembly, voted for Mr. McKinstry.

Whole number of votes cast, one hundred and nine.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received forty-one votes.

Mr. Edwards received thirty-six votes.

Mr. Roman received fifteen votes.

Mr. Field received two votes.

Mr. Wainwright received one vote.

Mr. McKinstry received two votes.

No election.

Mr. Buffum submitted the following as a substitute:

Resolved, That having balloted fifty times for a United States Senator to fill the vacancy which will be occasioned by the expiration of the term of office of the Hon. Wm. M. Gwin, on the fourth day of March next, and there being no prospect of an election at the present session of the Legislature, and deeming that all further balloting would result only in an unnecessary expenditure of public time and public money, this Convention do now adjourn *sine die*.

Mr. McFarland moved to lay the whole matter upon the table.

Upon which the ayes and noes were demanded by Messrs. Buffum, Farwell and Mandeville, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Colby, Crenshaw, Day, Flint, Gove, Hall, Heintzelman, Hook, Keene, Kendall, Lippincott, Mahoney, Mandeville, May, McFarland, McGarry, McNeil, Norman, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Amyx, Arrington, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Ferrell, Foster, Gaver, Geller, Graves, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Kinney, Knox, McCutchan, McConnell, Murdock, Palmer, Quinn, Rowe, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro and Vineyard, of the Assembly—63.

Those who voted in the negative were—

NOES.

Messrs. Burton, French, Hawks, Hawthorne, McCoun, Moore, Peck, Rust, and Tuttle, of the Senate, and

Messrs. Andrews, Adkison, Brown of Contra Costa, Buffum, Cammet, Cory, Cunningham of El Dorado, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Flournoy, Ferguson, Gaylord, Gober, Gragg, Hunt, Jones, Keys, Lincoln, Melius, Meredith, Moreland, Oxley, Phelps, Rodgers, Ryland, Taylor, Updegraff, Watkins, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—45.

So the resolution was laid on the table.

Mr. McGarry submitted the following:

Resolved, That the Convention now adjourn until Wednesday, the 14th day of March next.

Laid upon the table.

Mr. Leake moved to adjourn until Tuesday, 20th instant, at 2 o'clock, P. M.

On motion to lay on the table,

The ayes and noes were demanded by Messrs. French, Leake and Heintzelman, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Burton, Colby, French, Gove, Hall, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, Norman, Scellen, Sprague and Whiting, of the Senate, and

Messrs. Arrington, Adkison, Baker, Beatty, Bogardus, Boles, Brewton, Burke, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Foster, Graves, Johnston of San Francisco, McCutchan, McConnell, Murdock, Oxley, Palmer, Quinn, Stevens, Singley, Smith of El Dorado, Taliaferro, Vineyard and Waite, of the Assembly—42.

Those who voted in the negative were—

NOES.

Messrs. Crenshaw, Flint, Hawks, Hawthorne, Lippincott, Mahoney, May, McCoun, McFarland, McGarry, McNeil, Moore, Peck, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Andrews, Bates, Brown of Contra Costa, Brown of Nevada, Buffum, Cammet, Cory, Chase, Clayton, Cook, Covarrubias, Curtis, Dana, Douglas, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Gober, Gragg, Hosmer, Hunt, Johnson of El Dorado, Jones, Keys, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Phelps, Rodgers, Rowe, Ryland, Stevenson, Sherrard, Smith of Marin, Stewart, Taylor, Updegraff, Watkins, Wells, Whitney and Mr. Speaker, of the Assembly—65.

Lost.

On motion of Mr. Flint of the Senate, the Convention adjourned till 2 o'clock, P. M., to-morrow.

The Senate returned to their Chamber.

Mr. Taylor moved to adjourn until to-morrow at 10 o'clock, A. M.

Lost.

On motion of Mr. Smith of Marin, the House adjourned till to-morrow, at 11 o'clock, A. M.

IN ASSEMBLY.

FRIDAY, February 16, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called, and the following members were absent:

Messrs. Baker, Flournoy, Johnson of El Dorado. Kinney, Lincoln, Stewart.

On motion, Mr. Ashley was granted leave of absence for two days.

Journal of yesterday was read and approved.

Mr. Watkins presented a petition from citizens of Contra Costa County, praying for the passage of a law to protect them from the depredations of escaped convicts.

Read and referred to State Prison Committee.

Mr. Amyx presented a petition from citizens of Jacksonville, praying for the enactment of a prohibitory liquor law.

Read and referred to Committee on Vice and Immorality.

Mr. Smith of Marin, presented a petition from citizens of Marin County, relative to escaped convicts.

Read, and referred to State Prison Committee.

Messrs. Gober and Stow presented petitions from citizens of Iowa Hill, Placer county, and Santa Cruz county, praying for the enactment of a prohibitory liquor law.

Mr Taylor introduced a bill for An Act to authorize the Payment of the Expenses of Transporting Articles for Exhibition to and from the World's Industrial Exhibition, to be holden at Paris in the year 1855.

Read first time, and, on motion of Mr. Stevenson, indefinitely postponed.

Mr. Watkins introduced a bill for An Act granting certain rights to Aliens.

Read first and second time, and referred to Judiciary Committee.

Mr. Curtis introduced a bill for An Act amendatory of and supplementary to An Act entitled an Act defining the legal Distances from each County Seat in the State of California to the Capital at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin ; passed May 15, 1854.

Read first and second time, and referred to Committee on Mileage.

Mr. Canmet introduced a bill for An Act concerning the payment of Taxes, Licenses, Street Assessments, and other civil liabilities.

Read first and second time, and referred to Committee on Ways and Means, and 240 copies ordered printed

Mr. Cook gave notice that he would introduce a bill for An Act to establish a Boundary Line between the Counties of Stanislaus and Tuolumne.

Mr. Edwards gave notice that he would introduce a bill for An Act to provide for the construction of a Wagon Road from the Sacramento Valley to the Eastern Boundary of the State of California.

Mr. Bates gave notice that he would introduce a bill for An Act to suppress Chinese emigration into this State, and specify a definite time for the exodus of all Chinamen now in California.

Mr. Curtis gave notice that he would introduce a bill for An Act to appropriate the sum of \$200,000, to be divided pro rata to each and every county in the State, for the purpose of erecting and completing Hospitals in the several Counties.

Mr. Douglas gave notice that he would introduce a bill for An Act to punish persons guilty of kidnapping Indians.

Mr. Gober, Chairman, made the following report:

Mr. Speaker :

The Committee on Education, to whom was referred Assembly bill No. 122, An Act to establish District School Libraries, have considered the same, report it back, and recommend its passage as amended.

GOBER,
Chairman.

Assembly bill No. 122, An Act to establish District School Libraries, above reported.

Considered in Committee of the Whole, Mr. Ryland in the chair. Committee were discharged, with leave to sit again

Assembly bill No. 18, An Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same.

Special order for this day was taken up, and postponed until Wednesday next at 12 o'clock, M

Mr. Douglas presented the report of the Lessee of the State Prison.

Ordered printed, and referred to Committee on State Prison.

Mr. Whitney, Chairman, made the following report :

Mr. Speaker :

The Committee on Corporations, to whom was referred Assembly bill No. 134, have, according to order, had the same under consideration, and have directed me to report the same, and would recommend its passage as amended.

WHITNEY,
Chairman.

Assembly bill No. 134, An Act to prohibit any person or persons, association, company or corporation, from exercising the privileges of Banking, or creating paper to circulate as money, above reported.

Mr. Bates moved a call of the House.

Not sustained.

Committee amendments adopted.

Mr. Kinney moved the indefinite postponement of the bill.

Lost.

The bill was ordered engrossed.

Mr. Mellus verbally reported Assembly bill No. 151, An Act for the protection of Rural Cemeteries, recommending its passage.

Referred to Committee on Corporations.

Mr. Doughty made the following report :

Mr. Speaker :

The Committee on Public Lands, to whom was referred Assembly bill No. 88, An Act to provide for the Sale of Swamp and Overflowed Lands belonging to this

State, have had the same under consideration, and respectfully recommend its passage, with the amendments annexed.

DOUGHTY,

Chairman.

Assembly bill No. 88, above reported.

Committee amendments adopted, as far as section 10.

Mr. Updegraff offered substitute, pending which,

Mr. Kinney moved to refer to Select Committee of five, with instructions to report in three days.

Agreed to.

Messrs Kinney, Baker, Ferrell, Ryland, and Taylor, were appointed said Committee.

Mr. Douglas, Chairman, made the following report :

Mr. Speaker:

The Committee on Public Lands, having had under consideration the report of the Board of California Land Commissioners, which was referred to them, and also Assembly bill No. 101, An Act supplementary to and amendatory of an Act entitled an Act to provide for the sale of the interest of the State of California in the Property within the Water Line Front of the city of San Francisco, passed May 18, 1853, offer the accompanying as a substitute for said bill ; and as it covers the views of the Committee upon the whole subject, respectfully recommend its passage.

DOUGLAS,

Chairman.

Assembly bill No. 101, reported above,

Substitute and bill made the special order of the day for Thursday next, 12 o'clock, M.

Mr. Gaylord, Chairman, made the following report:

Mr. Speaker:

The Committee on Roads and Highways have had Assembly bill No. 126 under consideration, entitled An Act granting Charles Murray, and others, the right to construct a Toll Bridge across the Merced river, in Mariposa county, and ask to report to amend by striking out Court of Sessions, in sections 3 and 5, and inserting the additional section 16, accompanying bill, and recommend the passage of the bill, with amendments.

GAYLORD,

Chairman.

Assembly bill No. 126, reported above, reported amended, and
On motion, was laid on the table.

Mr. Meredith, Chairman, made the following report:

Mr. Speaker :

The Joint Committee on Enrollment have examined, and find correctly enrolled—

An Act to authorize the County of Sacramento to fund the Outstanding Warrants drawn against the Court House and Jail Fund of the County. Also,

An Act to compensate Wm. Coates and Samuel R. Weed for reporting the evidence in the Contested Election case between E. R. Galvin and Samuel McCurdy.

Also, An Act to amend an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19, 1853.

H. B. MEREDITH,

Chairman.

Mr. Moreland, Chairman, made the following report:

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed—

An Act to create a Board of Supervisors in the Counties of Monterey, Santa Clara, Santa Cruz, Yolo, Tulare, Stanislaus, San Bernardino, Santa Barbara, San Luis Obispo, Butte, Mariposa, and Humboldt, and to define their duties and powers.

An Act prescribing the manner of electing United States Senators.

An Act to create a Board of Supervisors for Contra Costa County, and to define their duties and powers.

An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases.

An Act to provide for the better regulation of Steamboats navigating the waters of this State.

An Act to legalize certain Records in San Luis Obispo county.

An Act to fix the time of holding the District Court in the Third Judicial District.

An Act to authorize Isaac E. Davis and A. P. Jordan, and such others as they may associate with them, to construct a Wharf at Santa Cruz into the Bay of Monterey, and to collect tolls on the same.

An Act to provide for the Disposal of Lots in the Towns or Villages on the Public Lands in the County of Humboldt. And,

An Act concerning the Offices of Controller and Treasurer of State.

THOS. MORELAND,

Chairman.

Assembly bill No. 132, reported above.

Read third time, and passed.

Assembly bill No. 120, An Act to create a Board of Supervisors in the Counties of Monterey, Santa Clara, Santa Cruz, Yolo, Tulare, Stanislaus, San Bernardino, Santa Barbara, San Luis Obispo, Butte, Mariposa, and Humboldt, and to define their duties and powers.

Read third time, and pending which,

The House took a recess till 2 o'clock, P. M.

Two o'clock, P. M., the House re-assembled.

Clerk informed the Senate that the House was ready to meet them in Joint Convention.

Sergeant-at-Arms announced the President and Members of the Senate.

IN CONVENTION.

The two Houses met in the Hall of the Assembly in Joint Convention, to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll, when it was found that Messrs. De La Guerra, Keene and May, of the Senate, and Messrs. Ashley, Burke and Edwards, of the Assembly, were absent.

Mr. Sherrard, of the Assembly, submitted the following resolution:

Resolved, That this Convention, assembled for the purpose of electing a United States Senator to succeed the Hon. Wm. M. Gwin, whose term of office expires on the fourth of March next, being wholly unable to accomplish the object for which they have convened, do now adjourn *sine die*.

Mr. Crenshaw moved that the resolution lie upon the table.

Mr. Sprague rose to a point of order, that the motion to adjourn *sine die* was not debateable, and that it could not be laid upon the table.

The President ruled that the point of order was well taken.

Mr. Mandeville appealed from the decision of the President.

The President *pro tem.* of the Senate assumed the chair.

Mr. Johnston of San Francisco, of the Assembly, moved the previous question.

The President *pro tem.* ruled that the previous question could not be called upon a motion to adjourn.

Mr. Johnston rose to a point of order and appealed from the decision of the President *pro tem.*

The President *pro tem.* stated that an appeal was already pending.

Mr. Johnston again moved the previous question upon the appeal taken by Mr. Mandeville from the decision of the President.

Which, having been sustained.

The question recurred, " Shall the main question now be put ? "

Decided in the affirmative.

The question being then, " Shall the decision of the President that a motion to adjourn *sine die* can not be laid on the table stand as the judgment of the Convention. "

The ayes and noes were demanded with the following result :

AYES.

Messrs. Burton, Colby, Day, Flint, Hall, Hawks, Hawthorne, Lippincott, Mahoney, McCoun, McFarland, McGarry, Moore, Peck, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cammet, Cory, Chase, Covarrubias, Curtis, Dana, Douglas, Farley, Farwell, Flournoy, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Stewart, Taylor Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly—61.

NOES.

Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buflum, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Ferrell, Foster, Gaver, Geller, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins and Wells, of the Assembly—46.

So the decision of the President was sustained.

The President again assumed the chair.

The question then recurred upon the passage of the resolution introduced by Mr. Sherrard.

The ayes and noes were demanded with the following result:

AYES.

Messrs. Burton, Day, Flint, Hall, Hawks, Hawthorne, Lippincott, Mahoney, McCoun, McFarland, Moore, Peck, Rust, Scellen, Sprague, Stebbins, Tuttle and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Bufum, Cammet, Cory, Chase, Clayton, Covarrubias, Curtis, Dana, Douglas, Farley, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Stewart, Taylor, Updegraff, Waite, Wells, Whitney and Mr. Speaker—63.

NOES.

Messrs. Colby, Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McGarry, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Ferrell, Foster, Geller, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Murdock, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins—44.

So the resolution was adopted.

The President then declared that the Joint Convention of the Senate and Assembly, assembled for the purpose of electing a United States Senator, was adjourned *sine die*.

The Senate withdrew.

On motion, Messrs. Stow and Updegraff were added to Select Committee on Tule Land bill.

On motion of Mr. Farley, the House adjourned till to-morrow, 11 o'clock, A. M.

IN ASSEMBLY.

SATURDAY, February 17, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll was called, and the following members were absent:

Messrs. Adkinson, Brown of Nevada, Knox, and Updegraff

On motion, Mr. Adkison was granted leave of absence for three days, and Mr. Updegraff for two days.

The Journal of yesterday was read and approved.

In accordance with Mr. Stevenson's resolution, previously adopted, the House took up the unfinished upon the table

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, }
Sacramento, Feb 14, 1855. }*To the Assembly of California :*

I have this day approved the following Acts, which originated in the Assembly, viz :

An Act fixing the times of holding the Terms of the County Courts, Courts of Sessions, and Probate Courts, in and for Butte County.

An Act to change the time of holding Courts of Sessions and County Courts in the County of Napa.

JOHN BIGLER.

A communication was received from the Secretary of State, in reference to the claims and affidavits of Melvin & Knox.

Read, and referred to Committee on Accounts and Expenditures.

A communication was received from Board of California Land Commissioners.

Read, and referred to Committee on Public Lands

A memorial was received from Mr. Howe, complaining of his confinement in the State Lunatic Asylum.

Read, and referred to Committee on Hospitals.

Assembly bill No. 81, An Act to legalize certain Records in San Luis Obispo County.

Read third time and passed.

Assembly bill No. 130, An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

Read third time and passed.

Assembly bill No. 144, An Act to authorize Isaac E. Davis, A. P. Jordan, and such others as they may associate with them, to construct a Wharf at Santa Cruz into the Bay of Monterey, and to collect tolls on the same.

Read third time and passed

Assembly bill No. 120, An Act to create a Board of Supervisors in the Counties of Monterey, Santa Clara, Santa Cruz, Yolo, Tulare, Stanislaus, San Bernardino, Santa Barbara, San Luis Obispo, Butte, Mariposa, and Humboldt, and to define their duties and powers.

Read third time and passed.

Assembly bill No. 105, An Act to provide for the disposal of Lots in the Towns or Villages on the Public Lands in the County of Humboldt.

Read third time and passed.

Assembly bill No. 143, An Act to create a Board of Supervisors for Contra Costa County, and to define their duties and powers.

Read third time, and passed.

Assembly bill No. 87, An Act to provide for the better regulation of Steamboats navigating the waters of this State.

Read third time and passed.

Assembly bill No. 126, An Act granting Charles Murray and others the right to construct a Toll Bridge across the Merced river, in Mariposa county.

Amended and ordered engrossed.

Assembly bill No. 67, An Act to prescribe the manner of issuing and redeeming Serip, and the duties of Officers in relation thereto, in the Counties, Cities, and incorporated Towns in this State, amended and made special order for Friday next, at 12 o'clock, M.

Assembly bill No. 15, An Act to amend an Act entitled an Act defining the time for commencing Civil Actions, passed April 22, 1850.

Assembly bill No. 28, An Act proposing to the Seventh Legislature amendments to the Constitution of the State of California.

Mr. Stevenson moved to strike out "biennial" and insert annual.

Messrs. Watkins, Ryland, and Flournoy, demanded the ayes and noes :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Brewton, Brown of Nevada, Cunningham of Sierra, Ferrell, Foster, Geller, Stevens, Stevenson, and Vineyard—10.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Baker, Bates, Beatty, Bogardus, Boles, Brown of Contra Costa, Buffum, Cammet, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Gober, Graves, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, McConnell, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Rodgers, Rowe, Ryland, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Watkins, Waite, Wells, Whitney, and Mr. Speaker—63.

So the motion was lost.

Mr. Ryland moved to amend amendment by striking out "two years," and inserting five years.

Mr. Stevenson moved to lay the bill on the table.

Messrs. Flournoy, Brown of Nevada, and Coombs, demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Brown of Nevada, Cunningham of Sierra, Foster, Hosmer, Stevenson, Taliaferro, and Vineyard—8.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Buffum, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McConnell, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevens, Sherrard, Singley, Smith of El Dorado, Stewart, Taylor, Watkins, Waite, Wells, Whitney, and Mr. Speaker—63.

So the motion was lost.

Motion to amend was then put, and lost.

Mr. Phelps moved to strike out four years and insert two years.

Lost.

The bill was then read a third time.

The ayes and noes were demanded, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Arrington, Baker, Bates, Beatty, Bogardus, Boles, Brown of Contra Costa, Brown of Nevada, Buffum, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McConnell, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Quinn, Rodgers, Rowe, Ryland, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Vineyard, Watkins, Waite, Wells, Whitney, and Mr. Speaker—67.

Those who voted in the negative were—

NOES.

Messrs. Brewton and Phelps—2.

So the bill passed.

Mr. Amyx gave notice, that on to-morrow he would move a re-consideration of the vote just taken.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }
 Sacramento, Feb. 17, 1855. }

To the Assembly of California :

I have this day approved the following named Acts, which originated in the Assembly, viz .

An Act to compensate Wm Coates and Samuel R. Weed for reporting the evidence in the contested election case, between E. K. Galvin and Samuel McCurdy.

An Act to amend an Act concerning Courts of Justice of this State, and Judicial Officers, passed May 19, 1853.

JOHN BIGLER.

On motion of Mr. Ryland, Assembly bill No. 63, An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, passed May the 15th, 1854, was taken from the table, and,

On motion, was made the special order for Tuesday next, at 1 o'clock, P. M.

On motion of Mr Oxley, Senate bill No 16, a bill for An Act to repeal an Act entitled an Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in this State, was taken from the table.

Mr. Flournoy moved to adjourn till Tuesday next, at 11 o'clock.

Mr Douglas and others demanded the ayes and noes.

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Beatty, Brewton, Brown of Nevada, Buffum, Cammet, Chase, Clayton, Curtis, Dana, Doughty, Farley, Flournoy, Foster, Ferguson, Gaver, Geller, Gragg, Hosmer, Hunt, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Mellus, Meredith, Moreland, Phelps, Stevenson, Smith of Marin, Stewart, Taliaferro, Taylor, Whitney, Mr. Speaker—37.

Those who voted in the negative were—

NOES.

Messrs. Baker, Bates, Bogardus, Boles, Brown of Contra Costa, Cory, Coombs, Cook, Douglas, Edwards, Ferrell, Gaylord, Gober, Graves, Johnson of El Dorado, Lincoln, McCutchan, McConnell, Murdock, Oxley, Palmer, Quinn, Ryland, Watkins, Waite, Wells—26.

So the House adjourned until Tuesday next, at 11 o'clock.

IN ASSEMBLY.

TUESDAY, February 20, 1855.

House met pursuant to adjournment.

Speaker in the chair.

Roll called and the following members were absent.

Messrs. Cunningham of El Dorado, Curtis, Dana, Gaver, Geller, Jones, Kinney, Taylor and Vineyard.

Messrs. Dana and Curtis were absent on official business.

On motion, Mr. Ashley was granted leave of absence four days, Mr. Bates one day, Mr. Knox ten days and Mr. Singley six days.

The Journal was read and approved.

Mr. Gober presented a petition from Indies of Sacramento county, praying for the enactment of a prohibitory liquor law.

Read and referred to Committee on Vice and Immorality.

Mr. Amyx presented a petition from citizens of Tuolumne County, relative to County Treasurers.

Read and referred to Committee on Ways and Means.

Mr. Keys presented a petition from citizens of Stockton, relative to funding Stockton city scrip.

Read and referred to Committee on Corporations.

Mr. Ryland presented a petition from citizens of Santa Clara county, praying for the enactment of a law to suppress noisy amusements on the Sabbath.

Read and referred to Committee on Vice and Immorality.

Mr. McConnell presented a petition from citizens of El Dorado, on the same subject.

Read and referred to Committee on Vice and Immorality.

Mr. Johnston, of San Francisco, presented a petition from citizens of San Francisco, relative to fees in office.

Read and referred to San Francisco delegation.

Also, a petition from John W. Dwinell, relative to the loss of bonds of Tuolumne county.

Read and referred to delegation from Tuolumne and Mr. Johnston of San Francisco.

Mr. McConnell presented a petition from citizens of El Dorado, praying for an Act to prohibit gambling.

Read and referred to Committee on Vice and Immorality.

Mr. Boles presented three petitions from citizens of El Dorado, praying for the passage of a prohibitory liquor law.

Read and referred to Committee on Vice and Immorality.

Mr. Cook introduced a bill for an Act to establish a Boundary Line between Stanislaus and Tuolumne counties.

Read first and second time and referred to the delegations from Stanislaus and Tuolumne.

Mr. Keys introduced a bill for an Act to authorize the funding of outstanding Stockton City Scrip.

Read first and second time and referred to Committee on Corporations.

Mr. Gober introduced a bill for an Act to fund the Debt of Santa Clara County, and to provide for the payment of the same.

Read first and second time and referred to Santa Clara Delegation.

Mr. Phelps introduced a bill for an Act to amend the fortieth and forty-second sections of an Act entitled An Act concerning Crimes and Punishments, passed April 16th, 1850.

Read first and second time and referred to Judiciary Committee.

Mr. Clayton gave notice that he would introduce a bill to prohibit all Foreigners not eligible to Citizenship from working the Mines in this State.

Mr. Coombs gave notice that he would introduce a bill to amend an Act concerning Roads and Highways, passed April 11th, 1850.

Mr. Oxley gave notice that he would introduce a bill for an Act to prevent all Foreigners not eligible to Citizenship from holding Claims or working the Mines of this State.

Mr. Douglas, Chairman, made the following report :

Mr. Speaker:

The Committee of Ways and Means, to whom was referred Senate bill No. 2, in regard to the funding of the State debt, have had the same under consideration, report it back with an amendment, and, after its adoption, recommend the passage of the bill.

DOUGLAS,
Chairman.

Senate bill No. 2, An Act to fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of June, A. D. 1853, and the 1st day of July, 1855.

House resolved itself into Committee of the Whole, Mr. Taliaferro in the chair, to take into consideration the bill.

The bill was amended

Committee rose, reported progress, and was discharged.

On motion, the bill was referred to a select Committee of nine—Farwell, Watkins, Douglas, Smith of Marin, Ryland, Johnston of San Francisco, Mellus, Rogers and Gragg.

Assembly bill No. 63, an Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, passed May 15th, 1854.

Special order for this day.

Considered in Committee of the Whole.

Referred to Select Committee of six—three from Agricultural and three from mining counties—Messrs. Flournoy, Keys, Amyx, Graves, Cunningham of Sierra, and Singley.

Mr. Meredith, from Committee on Ways and Means, made the following report :

Mr. Speaker :

The Committee of Ways and Means have had under consideration Senate bill No. 5, a bill for an Act relative to the Contingent Expenses of the Legislature, and recommend its passage without any amendment.

MEREDITH,
Of Committee.

Assembly bill No. 5, reported above.

Considered in Committee of the Whole, Mr. Oxley in the chair.

Committee rose, reported and were discharged.

On motion, the bill was laid on the table.

Mr. Murdock, from Committee of Ways and Means, made the following report, with the accompanying resolution, which was adopted :

Mr. Speaker :

The Committee of Ways and Means to whom was referred the accompanying communication from the State Treasurer's office, and also the accompanying communication from the Attorney General addressed to the Treasurer of State of California, having had the same under consideration, respectfully beg leave to report the same, and recommend the passage of the accompanying resolution :

MURDOCK,

Chairman.

Resolved, By the Assembly, (the Senate concurring, that all attaches connected with the present Legislature, who have been elected or appointed, and who shall have received the certificate of the proper persons issuing such certificates, and in whose favor warrants have or shall be drawn on the State Treasurer, shall be considered as officers of the present Legislature, so far as reference is had in Assembly bill No. 3, passed Feb. 6th, 1855 ; and also that the communication of the Attorney General, addressed to the Treasurer of the State of California, is in accordance with the views of the present Legislature.

Adopted.

Mr. Hosmer, Chairman, made the following report :

Mr. Speaker :

The Committee on Elections, to whom was referred Assembly bill No. 135, have considered the same, report it back without amendment, and unanimously recommend its passage.

HOSMER,

Chairman.

Assembly bill No. 135, above reported.

Considered engrossed.

Read third time and passed.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker :

The Committee on Enrollment presented to Governor Bigler, for his approval, on Friday, the 16th inst., the following Acts, viz :

An Act to authorize the County of Sacramento to fund the outstanding Warrants drawn against the Court House and Jail Fund of the County.

Also, An Act to compensate William Coates and Samuel R. Weed for

reporting the Evidence in the Contested Election Case between E. R. Galvin and Samuel McCurdy.

Also, an Act to amend An Act concerning the Courts of Justice of this State and Judicial officers, passed May 19th, 1853.

MEREDITH,
Chairman.

Mr. Gaylord, Chairman, made the following report :

Mr. Speaker :

The Committee on Roads and Highways have had Assembly bill No. 146 under consideration, entitled An Act to authorize H. Henderson, John Dooling, R. Thompson, and such others as they may associate with them, to construct a Wagon Road from Eureka, in Nevada County, to the Truckee Meadows, east of the Sierra Nevada Mountains, and ask to report to amend by striking out "four" and inserting "six" in section four, and to add to section four the provisions accompanying the bill, together with an additional section five, and recommend the passage of the bill with amendments.

Assembly bill No. 146, reported above.
Committee amendments adopted and ordered engrossed.

Mr. Moreland, Chairman, made the following report :

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed An Act granting Charles Murray and others right to construct a Toll Bridge across the Merced River in Mariposa County.

Also, An Act proposing to the Seventh Legislature Amendments to the Constitution of the State of California.

Also, An Act to prohibit any Person or Persons, Association, Company or Corporation from exercising the privileges of banking or creating Paper to circulate as Money.

MEREDITH,
Chairman.

Assembly bill No. 126, reported above.
Mr. Burke moved to lay on the table.
Agreed to.
Assembly bill No. 134 was read third time and passed.

Mr. Murdock made the following report :

Mr. Speaker :

The Committee on Internal Improvements, having had under consideration Assembly bill No. 114, would recommend the adoption and passage of the accompanying substitute.

MURDOCK,
Chairman.

Assembly bill No. 114.

Substitute was adopted and ordered engrossed.

Mr. Buffum made the following report :

Mr. Speaker :

The special Committee of five, to whom was committed Assembly bill No. 73, An Act to suppress Gaming, have had the same under consideration and have instructed me to report the bill and recommend its passage, with the following amendments :

Strike out, in the sixth section, all after the words "contract or conveyance."

BUFFUM,
Of Committee.

Assembly bill No. 73, reported above.
Made the special order of the day for Tuesday next.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed, yesterday, Assembly bill No. 57, entitled An Act authorizing J. Burkhalter, and such others as he may associate with him, to build and construct a Wagon Road from Corbitt's Inn to the Cow and Calf Ranch, in the County of Mariposa, with amendments, in which the concurrence of the Assembly is respectfully requested.

WM. A. CORNWALL,
Secretary of Senate.

February 17, 1855.

Assembly bill No. 37, reported above.
Senate amendments concurred in.

The following messages were received from the Senate:

Mr. Speaker :

I am directed to inform the Assembly that the Senate, yesterday, concurred in the amendment made by the Assembly to Senate bill No. 7, entitled An Act to authorize David N. Darlington, Isaiah Hanscom and others to build a wharf at Vallejo, in Solano County.

Also, that they passed Senate bill No. 3, entitled An Act concerning the Office of Treasurer of State.

WM. A. CORNWALL,
Secretary of Senate.

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed, on Saturday last, Assembly bill No. 35, entitled An Act fixing the time of holding the

several Courts authorized to be held by the County Judge in the County of Contra Costa.

Also, that they passed Assembly bill No. 102, entitled An Act for the Relief of the State Insane Asylum, with amendments, in which the concurrence of the Assembly is respectfully requested.

Also, that they have passed a substitute to Senate bill No. 6, entitled An Act for the Relief of John F. Hayes.

Also, that they passed Assembly bill No. 64, entitled An Act to provide for the payment of the Salary of W. H. Harvey, for the Term of Time said Harvey may have served as County Judge of the County of Tulare, with an amendment, to which the concurrence of the Assembly is respectfully requested.

Also, that they have this day passed Senate bill No 80, entitled An Act authorizing Abraham G. Kensey to construct a Toll Bridge.

WM. A. CORNWALL,
Secretary of Senate.

Senate bill No. 3, reported above.

Read first and second time and referred to Committee on Ways and Means.

Assembly bill No. 35, reported above.

Read first and second time and referred to Judiciary Committee.

Assembly bill No. 102, reported above.

Senate amendments concurred in.

Senate bill No 6, reported above.

Read first and second time and referred to Committee on Claims.

Assembly bill No. 64, reported above.

Senate amendment concurred in.

Senate bill No. 8, reported above.

Read first and second time and referred to Committee on Roads and Highways.

Mr. Baker offered the following resolution :

Resolved, That the Chairman of the State Prison Committee and the member from Marin be added to the special Committee to visit the State Prison, on the part of this House, and the Committee be instructed to proceed at an early day to attend to its duties.

On motion, the House then adjourned till 11 o'clock, A. M., to-morrow.

IN ASSEMBLY.

WEDNESDAY, February 21, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called, and the following members were absent:

Messrs. Cunningham of El Dorado, Hunt, Jones, Kinney, Knox, Rowe.

Journal of yesterday was read and approved.

Mr. Gober presented a petition from citizens of Jackson, Amador county, praying for the enactment of a Prohibitory Liquor Law.

Read, and referred to Committee on Vice and Immorality.

Mr. Vincyard presented a petition from citizens of Sacramento city, praying for a Prohibitory Liquor Law.

Read, and referred to Committee on Vice and Immorality.

Mr. Stevenson presented a petition from citizens of Gold Hill, El Dorado county, praying for An Act to prohibit Gambling; also, to close business houses on the Sabbath.

Read, and referred to Committee on Vice and Immorality.

Mr. Taylor presented a remonstrance from citizens of San Francisco against the passage of a law to increase the jurisdiction of Justices' Courts in their county.

Read, and referred to Special Committee having the matter in charge. Mr. Bufum, chairman.

Mr. Amyx introduced a bill for An Act amendatory of the One Hundred and Twenty-third Section of an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

Read first and second time, and referred to Judiciary Committee.

Mr. Johnston, of San Francisco, introduced a bill for An Act to amend an Act entitled an Act concerning the Office of State Treasurer, passed January 24, 1850.

Read first and second time, and referred to Committee on Ways and Means

Mr. Farwell introduced a bill for An Act to authorize the building of a Plank Road from some point on the Western Boundary of the City of San Francisco to the Ocean.

Read first and second times, and referred to San Francisco delegation.

Mr. Coombs introduced a bill for An Act concerning Roads and Highways.

Read first time, and ordered printed.

Mr. Ryland introduced a bill for An Act to amend an Act to regulate Proceedings in Civil Cases in Courts of Justice of this State, passed April 29, 1851.

Read first and second time, and referred to Judiciary Committee.

Mr. McCutchan introduced a bill for An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854.

Read first and second time, and referred to the delegations from counties named in the bill.

Mr. Smith, of Marin, introduced a bill for An Act concerning the Collection of Taxes in the county of Marin.

Read first and second time, and referred to Judiciary Committee, with instructions to report at an early day.

Mr. Johnston, of San Francisco, introduced a bill for An Act to provide for the speedy publication of the Reports of the Supreme Court of the State of California.

Read first and second time, and referred to Judiciary Committee.

Mr. Oxley gave notice that he would introduce a bill for An Act amendatory of the Fourteenth and Fifteenth Sections of an Act entitled an Act to establish an Asylum for the Insane of California, passed May 17, 1853.

Mr. Edwards introduced the following resolution :

A Concurrent Resolution, requesting the Governor to return to the Assembly a bill entitled "An Act to authorize the County of Sacramento to Fund the Warrants drawn against the Court House and Jail Fund of the county," for the correction and further action of the Legislature.

Adopted.

Mr. Edwards, Chairman, made the following report:

Mr. Speaker :

The Committee on the Judiciary, to whom was referred Assembly Bill No. 21, entitled An Act authorizing the several Courts of Record of this State to admit George Archibald Montgomery to practice as a Counsellor, Solicitor, and Attorney at Law, have considered the same, and instruct me to report that they have learned that Mr. Montgomery is a gentleman of education and worth, and that they would be happy to recommend the passage of the bill in its original terms; but in their opinion, the bill so passed would establish a precedent at once impolitic and unsafe. They have, therefore, agreed upon an amendment, attached to the bill, to be inserted after the end of the first section, to the effect that before such admission, he shall file his declaration of intention to become a citizen of the United States, in conformity with the Statutes of the United States. The Committee recommend the adoption of the amendment on the passage of the bill.

P. L. EDWARDS,

Chairman.

Assembly bill No. 21, above reported, Committee amendments adopted.

Mr. Taliaferro moved to strike out the enacting clause.

Upon which Messrs. Amyx, Wells, and Taliaferro, demanded the ayes and noes ; which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Adkison, Bates, Beatty, Bogardus, Brewton, Buffum, Cammet, Cory, Clayton, Coombs, Cook, Cunningham of Sierra, Douglas, Doughty, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gober, Graves, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Keys, McCutchan, Mellus, Meredith, Oxley, Quinn, Sherrard, Smith of El Dorado, Stewart, Taliaferro, Updegraff, Watkins, Wells, Whitney, and Mr. Speaker—43.

Those who voted in the negative were—

NOES.

Messrs Andrews, Baker, Burke, Chase, Edwards, Foster, Gaylord, Geller, Lincoln, McConnell, Moreland, Murdock, Palmer, Phelps, Rodgers, Ryland, Stevens, Stevenson, and Taylor—19.

So the enacting clause was struck out.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }
Sacramento, Feb. 20, 1855. }

To the Senate and Assembly of California :

In my Annual Message, presented at the commencement of the present Legislature, your attention was invited to the necessity of early action, in order to secure to the State her right to certain property believed to have escheated. Circumstances have since transpired, which render it necessary to again call your attention to the same subject, and urge upon you the absolute necessity of immediate action on your part.

After labor, time and money, have been expended in obtaining the necessary papers and evidences to establish the fact, that the State of California has a valid claim to the immensely valuable property known as the Liedesdorff estate in the city and county of San Francisco, it would be a misfortune to California, and an irreparable loss to future generations, should she, through her own neglect, permit her title to it to be vested in others, without receiving its full value.

The object of this communication is to direct your attention to a fact of vital importance to the interests of the State, as connected with the property in question.

This exceedingly valuable estate, as believed by many, and maintained by me in former official papers, has escheated to the State of California ; but, as is well known, is claimed by certain parties resident in the city of San Francisco, who now are, and for some time past have been, in possession, by virtue of papers executed by persons residing in the island of St. Thomas, and claiming to be the lawful heirs of Wm A. Liedesdorff, who died intestate on the 18th of May, A. D. 1848. It is not deemed necessary, nor is it my purpose in this communication, to present the facts and decisions relied upon to establish the claim of the State of California to this property, but to apprise you of the fact, that there is now necessity for legislative action, to prevent her from being divested of the legal claim to the same.

In accordance with the provisions of an Act entitled " An Act to provide Revenue for the Support of the Government of the State," passed May 15, 1854, the Sheriff of the County of San Francisco has levied upon certain property in the City and County of San Francisco for non-payment of State and County taxes, and given notice, by publication in the " Alta California," that he will, on Saturday, the 24th day of February, at 10 o'clock, A. M., in front of the court-house door, sell a sufficient amount of the property described to pay the amount of State and County taxes, with costs, remaining unpaid.

The property therein enumerated as subject to sale for non-payment of taxes, includes, if not all, at least a large portion of the Liedesdorff estate situated in the City and County of San Francisco, now claimed by private individuals, who have heretofore paid the taxes as they became due.

Section 89 of the Act of May 15, 1854, provides, that in case of failure to pay the taxes assessed, the Sheriff, after having given ten days notice, shall " sell at public sale to the highest bidder the property liable therefor, or so much as may be

necessary to pay the said taxes and costs thereon, and that the purchaser or purchasers shall enjoy the right to enter and take possession thereof," on the payment of said taxes and costs.

It will be observed, that in accordance with the provisions of the Act and the notice above referred to, this valuable property will be sold by the Sheriff on the 24th instant, for the small sum due the State and County for taxes, and unless bought in at Sheriff's sale by an agent on behalf of the State of California, the title in whole or part will pass to others for a comparatively small sum of money.

The 90th section of the same Act provides for the redemption of lands sold for non-payment of taxes, and also prescribes the manner of conducting sales, the fees of Sheriff, and other officers, and declares that "if, at the expiration of six calendar months from the day of said sale, the party *owing* or *claiming* said real estate (and improvements, when any exist,) fail to redeem the same from the purchaser thereof, with *fifty per centum* advance (and double the expense of recording the certificate aforesaid,) on the amount set forth in said certificate of sale, the Sheriff of the county shall then execute a deed of conveyance in fee simple to the purchaser or purchasers, or assignees thereof, for said real estate and improvements; and the sale shall become absolute; and said deed shall be *prima facie* evidence, in all courts of this State, of the conveyance of all right, title, and interest in and to said property owned by the delinquent or delinquents, at the time of the assessment."

This section also provides for the redemption of property owned by minor heirs, within one year after attaining their majority, but makes no provision for the exemption or subsequent redemption of property sold, to which the State has set up a claim, remaining unadjudicated at time of the sale.

From the sections of law above recited it will be seen that unless the State intercede before the 24th inst., the greater part of the property known as the Leidesdorff Estate, in the City and County of San Francisco, will be sold at Sheriff's sale for a sum merely sufficient to pay taxes and defray the expenses of sale, etc., and should you neglect or fail to provide means, as recommended, for its redemption, on or before the 24th day of August next, the Sheriff, in conformity with law, will be compelled to execute a 'deed of conveyance in fee simple to purchasers, which will be *prima facie* evidence in all the Courts of this State," and the State, through her own default, and by the act of her own agent, it is feared, would be forever precluded from again setting up claim to title to this valuable estate.

In this case, it will be observed, that the State of California is both plaintiff and claimant. As plaintiff she is demanding the payment of taxes due her; and as claimant sets forth that this estate has escheated, and that she is the lawful owner of the property. If the State, as a *party claiming*, permit the sale for non-payment of taxes due, and fail to redeem within the six months specified by law, "a deed of conveyance in fee simple" will be executed by her own agent, the Sheriff, acting under her authority; which deed, if properly executed, it is believed would divest her of all legal claim to the property, and forever debar its recovery by the State.

It is true that property owned by the State is exempt from taxation, but in this case the State is possessed of merely an unadjudicated claim to an estate held by private individuals; but the Act authorizing the sale for taxes compels the execution of a deed, which concludes "claimants equally with those holding under a perfect title with possession," and the question is thereby raised, whether the State in executing a deed in fee simple by her own agent for the recovery of her own claims for taxes against the estate, does not grant a title perfect against herself, divesting her of such title or claim as she might otherwise assert.

Section 119 of the Act above cited provides as follows:

"The redemption of property sold for taxes, as provided in this Act, may be made by paying to the purchaser the amount of taxes and legal costs, charges and per centage thereon, or depositing the same with the County Treasurer to the credit of such purchaser."

I would, therefore, earnestly recommend the immediate passage of an Act appropriating means, and directing an agent of the State to pay the taxes and costs due on the 24th inst., in order to save to the State the additional expense of redemption at the expiration of six months specified in the law, to-wit: "fifty per centum advance and double the expense of recording certificate of sale," together with the expense and trouble attendant upon the redemption of the property.

Should this course, however, be found impracticable for want of time, the only alternative remaining on your part in order to prevent the title of the State from passing to private individuals, is to provide without delay for the early redemption of the property claimed by the State, by depositing with the County Treasurer of San Francisco County the "amount of taxes and legal costs charged and per centage" paid by the purchaser or purchasers thereof.

It is deemed unnecessary for me in this communication to further advert to the great and urgent necessity of immediate action on your part, to secure the rights of the State in the premises, or to the irreparable loss which will inevitably result to the State should you neglect to provide the means necessary to prevent the sale of the property and the execution of a deed conveying to private parties all the right, title and interest of the State of California to the same.

In conclusion, I deem it proper to disclaim any intention of imputing to individual claimants to this property the design of interfering with the rights and interests of the State, or of taking an undue advantage of her neglect or default in the non-payment of taxes and redemption within the time prescribed by law; but appreciating the importance of the subject, and being fully aware that such neglect, under the circumstances, would result in serious injury to the interests of the State, and, perhaps, entirely place beyond her reach property of great value, and at a time, too, when she is preparing vigorously to assert her rights before the proper tribunals, I deem it my duty at the earliest possible moment to urge upon you the importance of immediate action, now rendered indispensably necessary to secure the rights of the State to this immensely valuable estate, the proceeds of which are, by the Constitution, devoted to the support and maintenance of Common Schools.

JOHN BIGLER.

Read, and referred to Select Committee—Messrs. Edwards, Ferrell, and Rodgers. The Committee had leave to withdraw, for the purpose of preparing a report.

On motion of Mr. Stevenson, Assembly bill No. 18, An Act to establish, support, and regulate Common Schools, and repeal former Acts concerning the same, special order of the day, was passed over.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker :

The Committee on the Judiciary have considered Assembly bill No. 12, entitled

An Act to create a Board of Supervisors for the County of Shasta, and to define their duties and powers, and recommend that it be amended by striking out the whole of the eighth and ninth sections, and also by striking out the word "July" in eighteenth line of the sixth page, and inserting August.

The Committee instruct me to say, that as a general bill they would prefer another, which they now have under consideration. They do not wholly approve of this bill; but as they cannot fully appreciate the wants of Shasta county, and as they are assured by those who more immediately represent said County, that the bill will conform to the wishes of its citizens, they recommend its passage, with the amendments before indicated.

P. L. EDWARDS,
Chairman.

Assembly bill No. 12, above reported—
Committee amendments adopted, and the bill ordered engrossed.

Mr. Edwards, Chairman, made the following report:

Mr. Speaker:

The Committee on the Judiciary report, that they have considered the Assembly bill No. 142, entitled An Act to provide a Law Library for the Supreme Court, and recommend its passage, with the amendments thereto attached.

P. L. EDWARDS,
Chairman.

Assembly bill No. 142, above reported, Committee amendments adopted.
The bill was considered in Committee of the Whole, Mr. Buffum in the chair.
Rose, reported recommended, and were discharged.
On motion, the bill was laid on the table.

Mr. Edwards, Chairman, made the following report:

Mr. Speaker:

The Committee on the Judiciary report, that they have considered Senate bill No. 31, entitled An Act to provide for the Payment of the Salary of the County Judge of the County of Yuba, and as a similar bill in favor of the County Judge of Sacramento county has already failed, they recommend the indefinite postponement of this.

P. L. EDWARDS,
Chairman.

Senate bill No. 31, above reported, on motion, was indefinitely postponed.

Mr. Gaylord, Chairman, made the following report:

Mr. Speaker:

The Committee on Roads and Highways have had Senate bill No. 80, entitled

An Act authorizing Abraham G. Kensey to construct a Toll Bridge, under consideration, and ask to report amendment accompanying the bill as a continuation of section 4, and recommend the passage of the bill, with amendment.

GAYLORD,

Chairman.

Senate bill No 80, above reported, Committee amendments adopted, read third time, and passed.

Mr. Moreland, Chairman, made the following report:

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed—

An Act authorizing H Henderson, John Dooling, R Thompson, and such others as they may associate with them, to construct a Wagon Road from Eureka in Nevada county, to the Truckee Meadows, east of the Sierra Nevada Mountains.

And also, An Act supplemental to an Act to regulate Elections, passed March 23, 1850.

THOS. MORELAND,

Chairman.

Assembly bill No. 146, above reported, read third time and passed.

Mr. Ryland, Chairman, made the following report :

Mr. Speaker :

The Committee, to whom was referred Senate bill No. 24, having had the same under consideration, beg leave to report it back, and recommend its rejection.

RYLAND,

Chairman.

Senate bill No. 24, above reported,
Rejected.

Mr. Ferrell, Chairman, made the following report:

Mr. Speaker :

The Special Committee, to whom was referred Assembly bill No. 88, entitled An Act to provide for the Sale of the Swamp and Overflowed Lands belonging to the State, have had the same under consideration, and a majority have instructed me, in the absence of the Chairman, to report the same back to the House, with sundry amendments, and recommend its passage.

FERRELL,

Of Committee.

Assembly bill No. 88, above reported,

On motion of Mr. Stevenson, was made the special order for Thursday, the 29th instant, 12 M.

Mr. Beatty, Chairman, made the following report :

Mr. Speaker :

The Select Committee, to whom was referred Assembly bill No. 116, report the same back, and recommend its passage.

BEATTY,

Chairman.

Assembly bill No. 116, An Act amendatory of and supplementary to an Act to provide for the Incorporation of Towns, passed March 27, 1850,

Read third time, and ordered engrossed.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly, that the Senate have this day concurred in Assembly Concurrent Resolution, relative to the enrollment of Assembly bill, entitled "An Act to authorize the County of Sacramento to fund the outstanding Warrants drawn against the Court House and Jail Fund of the County."

WM. A. CORNWALL,

Secretary Senate.

Mr. Flournoy, Chairman, made the following report :

Mr. Speaker :

The Select Committee, to whom was referred the bill to create a Commissioner or agent in relation to the Indian War Debt allowed by Congress, have had the same under consideration, and report it back with a substitute for section 3, and recommend its passage.

FLOURNOY,

Chairman.

Assembly bill No. 100, An Act to create a Commissioner or agent to proceed to Washington city, and place before the Secretary of War the accounts and vouchers connected with the Indian War Debt of this State,

Committee amendments adopted.

Mr. Flournoy moved to amend third section, by striking out "one," and inserting "one half of one."

Mr. Farley moved to lay the bill on the table.

Messrs. Flournoy, Taliaferro, and Johnson of El Dorado, demanded the ayes and nays, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs Amyx, Brown of Contra Costa, Burke, Cory, Cook, Farley, Ferrell, Foster, Gaver, Gagg, Lincoln, McCutchan, Oxley, Quinn, Stevens, Updegraff, and Vineyard—17.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Baker, Bates, Bogardus, Boles, Brewton, Cammet, Clayton, Coombs, Covarrubias, Cunningham of Sierra, Douglas, Doughty, Farwell, Flournoy, Ferguson, Gaylord, Gober, Graves, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Keys, McConnell, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Rodgers, Rowe, Stevenson, Sherrard, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Watkins, Waite, Whitney, and Mr. Speaker --44

So the motion was lost.

Mr. Ferrell moved to recommit the bill.

Not agreed to.

A division of the question being called for, "one" was struck out.

Mr. Buftum offered a substitute for the "one half of one per cent."

Mr. Oxley moved to lay the bill on the table.

Agreed to.

Mr. Flournoy verbally reported Assembly bill No. 90, An Act supplementary to an Act entitled an Act concerning County Recorders, passed March, 1851.

Ordered engrossed.

Mr. Flournoy verbally reported Assembly bill No. 159, An Act supplementary to an Act entitled an Act to fund the Debt of Mariposa County, and provide for the payment of the same, passed May 15, 1854.

Ordered engrossed.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, Feb. 21, 1855. }

To the Assembly of California :

In compliance with a Joint Resolution of the Senate and Assembly, adopted this day, An Act entitled an Act to authorize the city of Sacramento to fund the outstanding Warrants drawn against the Court House and Jail Fund of the County, is herewith returned, without my approval, to the House in which it originated, for correction, and such further action, as may be deemed necessary to cure defects in the same.

JOHN BIGLER.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed, yesterday, Assembly bill No. 77, entitled An Act authorizing James Galloway, and such others as he may associate with him, to build and construct a Turnpike or Gravel Road from Forest City, in Sierra County, to Camptonville, in Yuba County, with amendments, in which the concurrence of the Assembly is respectfully requested.

Also, that they passed Senate bill No. 69, entitled An Act to authorize Cruthers and Stewart to use the Waters of the Stanislaus River for Manufacturing purposes.

Also, that they passed a concurrent resolution in relation to the construction of an Act entitled An Act requiring the Controller to audit certain Bills of the Members and Officers of the present Legislature, passed February 1st, 1855, in which the concurrence of the Assembly is respectfully requested.

WM. A. CORNWALL,

Secretary of Senate.

February 21, 1855.

Assembly bill No. 77, above reported.

Senate amendments concurred in.

Senate bill No. 69, above reported.

Read first and second time and referred to Committee on Mines and Mining Interests.

Senate concurrent resolution, above reported.

Concurred in.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate have this day passed Assembly bill No. 143, entitled An Act to create a Board of Supervisors for Contra Costa County and to define their Duties and Powers, with amendments, in which the concurrence of the Assembly is respectfully requested.

WM. A. CORNWALL,

Secretary of Senate.

Assembly bill No. 143, above reported.

Senate amendments concurred in.

Mr. Farwell offered the following resolution :

Whereas, It has been the uninterrupted usage and custom throughout the country to observe, with becoming veneration and honor, the memory of George Washington, so justly revered as the father of his country ; *and, whereas*, to-morrow, the 22d, day of February, is the anniversary of the birth of the great and good man, in token of our earnest and sincere reverence for his name and memory, be it

Resolved, That when this House adjourn, it do so until Friday, the 23d inst., at 11 o'clock A. M.

Mr. Oxley moved to strike out "Friday."
Not agreed to.

Mr. Oxley offered the following resolution :

Resolved, That the Hospital Committee be instructed to visit the State Marine Hospital at San Francisco, forthwith, in connection with the same Committee from the Senate.

Adopted.

Mr. Wells offered the following resolution:

Resolved, That no new business shall be introduced in this House on or after the 15th day of March next, unless upon consent of at-least two thirds of all the members of this House.

Laid on the table.

Mr. Whitney offered the following resolution:

Whereas, a picture of the late Henry Clay has been deposited in one of the ante-rooms of the Capitol, for the inspection of the members of the Legislature,

Resolved, That the Sergeant-at-Arms be and is hereby requested to suspend the said picture behind the chair of the Speaker of this House ; *provided*, that the same be done without charge to the State.

Adopted.

Mr. Johnston, of San Francisco, called for the previous question, which was sustained, and the resolution adopted.

Mr. Hosmer moved to take from the table resolution relative to State Prison Committee.

Not agreed to.

Mr. Edwards moved to take from the table the Governor's message.

Agreed to.

On motion of Mr. Edwards, the bill referred to in the Governor's message was recommitted to Sacramento delegation, with instructions to correct clerical errors, to supply the section lost or omitted, and to amend the bill.

Mr. Murdock offered the following resolution :

Resolved, That the resolution fixing Saturday of each week "as the day to do the unfinished business of the preceding week," be rescinded, and that Friday be substituted for Saturday.

Adopted.

Mr. Baker offered the following resolution :

Resolved, That the member from the county of Marin be added to the special Committee to visit the State Prison, on the part of this House.

Adopted.

On motion of Mr. Hosmer, Mr. Smith of Marin was instructed to proceed immediately to join the Committee.

Mr. Edwards, Chairman, made the following report:

Mr. Speaker :

The Select Committee of three, to whom was referred the message of his Excellency, the Governor, under date of Feb. 20, 1855, in reference to the Leidesdorff estate, situate in the county of San Francisco, and the proposed sale thereof, for a claim of State and county taxes, have considered the same, and instruct me to report that they were engaged in framing a bill, which, in their opinion, was authorized by the facts stated in the message, when they were informed that the Senate had adjourned until the 24th instant, on which day, at ten of the clock, in the forenoon, the said sale is advertised to take place.

In view of this action of the Senate, it is impossible to effect the passage of any Act in time to serve any useful purpose.

The Committee, therefore ask to be discharged from the further consideration of the message.

P. L. EDWARDS,
Chairman.

House refused to discharge the Committee.

On motion, the House adjourned until Friday.

IN ASSEMBLY.

FRIDAY, February 23, 1855.

House met pursuant to adjournment.

The Clerk called the House to order, Speaker being absent.

On motion, Mr. Douglas was called to the chair.

Roll was called, and the following members were absent:

Messrs. Adkison, Bates, Beatty, Bogardus, Clayton, Cook, Curtis, Dana, Doughty, Flournoy, Gaver, Hosmer, Johnson of El Dorado, Jones, Keys, Kinney, Knox, McConnell, Oxley, Rowe, Ryland, Singley, Smith of Marin, Stewart, Taliaferro, Waite and Mr Speaker.

On motion, leave was granted Messrs. Beatty, Rowe and Taliaferro for two days, and to Messrs. Cook, Waite, Clayton and Ryland for three days.

Mr. Arrington offered the following resolution :

Resolved, That the Sergeant-at-Arms be instructed to invite one of the

Supreme Judges to come to this House and administer the oath of office to Samuel McCurdy.

Mr. Amyx moved to amend by striking out "one of the Supreme Judges," and inserting "a competent officer."

Agreed to.

Resolution adopted.

The Journal of yesterday was read and approved.

On motion of Mr. Watkins, Senate bill No. 5, An Act in relation to Contingent Expenses of the Legislature, was taken from the table.

Amended, read third time and put upon its passage.

Messrs. Buffum, McCutchan and Vineyard demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Ashley, Baker, Brown of Contra Costa, Brown of Nevada, Burke, Coombs, Covarrubias, Cunningham of El Dorado, Douglas, Edwards, Farwell, Foster, Gaylord, Gober, Graves, McConnell, Mellus, Meredith, Moreland, Mudock, Palmer, Rodgers, Stevens, Taylor, Updegraff, Watkins, Wells, Whitney—29.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Brewton, Buffum, Cammet, Cory, Chase, Farley, Ferrell, Geller, Johnston of San Francisco, Lincoln, McCutchan, Phelps, Quinn, Stevenson, Sherrard, Smith of El Dorado, Vineyard—19.

So the bill passed.

Mr. McCurdy, member elect from Tuolumne county, presented his certificate, was qualified, and took his seat.

Mr. Amyx offered the following resolution :

Resolved, That leave of absence be and is hereby granted to the members of either the standing or select Committees appointed to examine the State Marine Hospital, the State Insane Asylum, and the State Prison, for — days.

Not agreed to.

On motion of Mr. Buffum, Assembly bill No. 2, An Act to divide the State of California into Congressional Districts, was taken from the table and made the special order of the day for Thursday next.

On motion, Assembly bill No. 33, An Act concerning Lawful Fences and trespassing of Animals on Private Property, was taken from the table and made the special order of the day for Wednesday next.

On motion, Assembly bill No. 18, An Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same, was taken from the table and made the special order of the day for Monday next.

On motion, Assembly bill No 65, An Act to provide for taking the Second Census, in 1855, and for taking the Census thereafter ; also, Assembly bills No. 46 and No 47 were made the special order of the day for Saturday, March 3d, at 12 o'clock, M.

On motion, Assembly bill No. 1, An Act to regulate Fees in Office, was made the special order for Tuesday, the 6th of March next.

On motion, the House then adjourned.

IN ASSEMBLY.

SATURDAY, February 24, 1855.

House met pursuant to adjournment.

Mr Douglas in the chair (Speaker absent).

Roll called and the following members were absent:

Messrs. Adkison, Bates, Bently, Bogardus, Boles, Cammet, Clayton, Coombs, Cook, Curtis, Dana, Doughty, Geller, Hosmer, Johnson of El Dorado, Jones, Keys, Kinney, Knox, McConnell, Moreland, Oxley, Rodgers, Rowe, Ryland, Stevens, Singley, Smith of Marin, Taliaferro, Taylor and Mr. Speaker.

Messrs. McConnell, Rowe and Stevens were each granted leave of absence for two days.

Mr. Farwell moved that the absentees have leave of absence for one day

Messrs. Buffum, Smith of Marin, and Farwell demanded the ayes and noes with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Ashley, Baker, Brewton, Chase, Covarrubias, Douglas, Farwell, Ferrell, Foster, Gaver, Gaylord, Gober, Hunt, McCurdy, Palmer, Sherrard, Stewart, Vineyard—19.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cory, Cunningham of El Dorado, Edwards, Ferguson, Gragg, Johnston of San Francisco, McCutchan, Mellus, Moreland, Murdock, Phelps, Quinn, Stevenson, Smith of El Dorado, Updegraff, Watkins, Wells, Whitney, Mr. Speaker.—24.

The motion was lost.

The Journal was read and approved.

Mr. Gober presented a petition from citizens of Santa Clara, for the better observance of the Sabbath. Read and referred to Committee on Vice and Immorality.

Also, a petition asking for a prohibitory liquor law.

Read and referred to same Committee.

Mr. Foster presented a petition asking for a prohibitory liquor law.

Read and referred to Committee on Vice and Immorality.

Mr. Quinn presented a petition from citizens of French Bar, respecting the boundary line between Tuolumne and Stanislaus counties.

Read and referred to Tuolumne and Stanislaus delegations.

Mr. Murdock presented a petition for the privilege of constructing a draw bridge across Elk River.

Read and referred to Committee on Internal Improvements.

Mr. Ashley presented a petition from citizens of Monterey county, asking for the passage of a law prohibiting hogs from running at large.

Read and referred to Committee on Agriculture.

Also, a petition from Monterey and Santa Clara, for a new County.

Read and laid on the table till such time as he can introduce a bill.

Mr. Arrington introduced a bill for an Act to create a Board of Supervisors for Klamath County and to define their Duties and Powers.

Read first and second time and referred to Klamath and Humboldt delegations.

Mr. Ashley introduced a bill for an Act concerning the collection of Taxes now due in the County of Monterey.

Read first and second time and referred to Committee of Ways and Means.

Mr. Johnston, of San Francisco, introduced a bill for an Act proposing to the Seventh Legislature an Amendment to the Constitution of the State of California.

Read first and second time and referred to Judiciary Committee.

Mr. Quinn introduced a bill for an Act fixing the Time of holding the several Courts authorized to be held by the County Judge in the County of Tuolumne.

Read first and second time and referred to Judiciary Committee.

Mr. Edwards introduced a bill for an Act amendatory of an Act passed May 15th, 1854, entitled An Act to amend an Act entitled An Act to regulate Proceedings in Criminal Cases, passed May 1st, 1851.

Read first time.

Mr. Watkins gave notice that he would introduce a bill specifying the manner of disbursing the Public Moneys of this State.

Mr. Wells gave notice that he would introduce a bill for an Act confirming to the Bidwell Bridge Company the Right and License granted to the said Company, by the District Court in and for Butte county, to erect a Toll Bridge at Bidwell, in Butte County, and to demand and collect Tolls thereat.

Also, for an Act to take the Census of the People of the State, at the next General Election, on the passage of a Prohibitory Liquor Law.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker:

The Judiciary Committee report that they have considered Assembly bill

No. 156, entitled An Act to amend an Act entitled An Act to regulate Proceedings in Criminal Cases, passed May 1st, 1851, and recommend its indefinite postponement.

P. L. EDWARDS,

Chairman.

Assembly bill No. 156, reported above.
Indefinitely postponed.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker :

The Committee on the Judiciary report that they have considered Assembly bill No. 163, entitled An Act granting certain Rights to Aliens, and recommend its indefinite postponement.

Respectfully submitted.

P. L. EDWARDS,

Chairman.

Assembly bill No. 163, reported above.
Indefinitely postponed.

Mr. Burke made the following report:

Mr. Speaker :

The Committee on the Judiciary have considered Assembly bill No. 59, entitled An Act to fix the Sessions of the Supreme Court at the Cities of Sacramento and San Francisco, and instruct me to recommend its indefinite postponement.

Respectfully submitted.

BURKE,

Of Committee.

Assembly bill No. 59, reported above.

Mr. Farwell moved to lay on the table.

Not agreed to.

On the adoption of the report, Messrs. Vineyard, Amyx and Farwell demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Brewton, Brown of Nevada, Burke, Chase, Covarrubias, Cunningham of El Dorado, Douglas, Edwards, Farley, Farwell, Ferrell, Foster, Ferguson, Gaver, Gragg, McCutchan, McCurdy, Mellus, Meredith, Quinn, Stevenson, Sherrard, Smith of El Dorado, Updegraff, Vineyard, Wells—28.

Those who voted in the negative were—

NOES.

Messrs Andrews, Ashley, Brown of Contra Costa, Buffum, Cory, Cunningham of Sierra, Flournoy, Gaylord, Gober, Hunt, Johnston of San Francisco, Moreland, Murdock, Palmer, Phelps, Stewart, Watkins, Whitney—18.

So the report was adopted.

Mr. Farwell gave notice that he would, on to-morrow, move a reconsideration of the vote just taken.

Mr. Whitney, Chairman, made the following report .

Mr. Speaker :

The Committee on Corporations, to whom was referred Assembly bill No. 151, have, according to order, had the same under consideration, and have directed me to report the same, with sundry amendments, and recommend its passage.

WHITNEY,
Chairman.

Assembly bill No. 151, reported above.
Committee amendments adopted and bill ordered engrossed.

Mr. Flournoy made the following report:

Mr. Speaker

The Committee on Vice and Immorality, to whom was referred Assembly bill No. 54, have had the same under consideration, report a substitute, and recommend its passage.

FLOURNOY,
Of Committee.

Assembly bill No. 54, reported above.
Substitute adopted and laid on the table.

Mr. Flournoy, Chairman, made the following report :

Mr. Speaker:

The Committee have had under consideration Assembly bill No. 154, report the same back, and recommend its indefinite postponement.

FLOURNOY,
Chairman.

Assembly bill No 154, An Act amendatory of and supplementary to the first section of an Act explanatory of an Act entitled An Act to prohibit Lotteries, (passed March 11th, 1851,) passed May 15th, 1854, reported above.

The recommendation of the Committee was adopted.

Mr. Johnston, of San Francisco, Chairman, made the following report :

Mr. Speaker:

The select Committee composed of the San Francisco delegation, to whom was referred a bill for An Act to authorize the funding of the Floating Debt of the City of San Francisco, beg leave to report a substitute and recommend its passage.

JOHNSTON,
Chairman.

Assembly bill No. —, above reported.
Substitute and bill laid on the table.

Mr. Wells offered the following resolution :

Resolved, That five hundred copies of the annual report of the Quartermaster General, for this year, be printed for his use, and four hundred and sixty copies for the use of the House.

Read and laid over under the rules.

On motion of Mr. Amyx, Mr. Burke was added to the select Committee to whom was referred the bill for fixing the Boundary Line between Stanislaus and Tuolumne Counties.

Mr. Ferrell offered a concurrent resolution relative to the distribution of arms by the United States.

Adopted.

Mr. Ashley offered the following amendment to the third rule of this House :

3. It shall be in order for the Committee on Engrossment and the Committee on Enrollment to report at any time.

Adopted.

Mr. Johnston, of San Francisco, offered the following resolution :

Resolved, That any and every officer of this House, having the power to appoint subordinates, be, and is hereby required to furnish to the Chairman of the Committee on Accounts and Expenditures, a list of the persons so appointed, together with the per diem of each.

Adopted.

Mr. Cunningham, of El Dorado, offered the following resolution :

Resolved, That the Secretary of State be instructed to procure Government envelopes for the use of the members and officers of this branch of the Legislature.

Adopted.

Mr. Stevenson offered the following resolution :

Resolved, That one thousand copies of the report of the Inspectors of the State Prison be printed for the use of the House.

Laid over under the rules.

Assembly bill No. 19, An Act concerning the Salaries of Officers and Pay of Members of the Legislature, made the special order for March 14th.

Mr. McCutchan offered the following resolution :

Resolved, That the heads of those departments to which contingent appropriations were made, be required to furnish to this House a report of the manner in which such funds have been expended ; *provided*, the Governor be not included under the requirements of this resolution.

Adopted.

Mr. Chase moved to adjourn till Tuesday next, at 11 o'clock, A. M., upon which,

Messrs. Gaver, Ashley, and Cunningham of El Dorado demanded the ayes and nays, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Brewton, Brown of Nevada, Burke, Cory, Chase, Edwards, Farwell, Ferrell, Flournoy, Ferguson, Gaylord, Gober, Hunt, Johnston of San Francisco, McCurdy, Mellus, Meredith, Moreland, Stevenson, Stewart, Watkins, Whitney—23.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Ashley, Baker, Brown of Contra Costa, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Dana, Farley, Foster, Graves, Gragg, McCutchan, Murdock, Palmer, Phelps, Quinn, Updegraff, Vineyard, Wells—23.

So the motion was lost.

Mr. Farwell moved to adjourn till Tuesday next, at 10 o'clock, A. M., upon which,

Messrs. Chase, Arrington and Stevenson demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Baker, Brewton, Buffum, Burke, Cory, Chase, Edwards, Farwell, Ferrell, Flournoy, Gaylord, Gober, Graves, Hunt, Johnston of San Francisco, Lincoln, McCutchan, McConnell, McCurdy, Mellus, Meredith, Sherrard, Stewart, Updegraff, Vineyard, Watkins, Whitney—28.

Those who voted in the negative were—

NOES.

Messrs. Gragg, Moreland, Oxley, Palmer, Phelps, Stevenson, Smith of El Dorado, Wells—8.

So the House adjourned.

 IN ASSEMBLY.

TUESDAY, February 27, 1855.

House met pursuant to adjournment.

Speaker in the chair.

Roll called and the following members were absent.

Messrs. Buffum, Chase, Clayton, Coombs, Curtis, Dana, Farley, Flournoy, Geller, Jones, McConnell, Rodgers, Taliaferro, Taylor, and Vineyard.

On motion, Mr. Clayton was granted leave of absence till Friday, Mr. McConnell one week, and Mr. Rodgers one day.

The Journal was read and approved.

Mr. Foster presented a petition, asking for a Prohibitory Liquor Law.

Read, and referred to Committee on Vice and Immorality.

Mr. Quinn presented a petition, asking for a Prohibitory Liquor Law.

Read, and referred to Committee on Vice and Immorality.

Mr. Gober presented a petition, asking for the same.

Read, and referred to same Committee.

Mr. Taylor presented a remonstrance from citizens of City and County of San Francisco, against the enactment of a law extending the jurisdiction of Magistrates.

Read, and referred to a Select Committee.

Mr. Cook presented a petition from Stanislaus and Tuolumne counties, relative to the Boundary Lines between said Counties.

Read, and referred to Tuolumne and Stanislaus delegations.

Mr. McCurdy presented a petition relating to the same subject.

Had the same reference.

Mr. Cory presented a petition relative to the suppression of Gambling throughout the State.

Read, and referred to Committee on Vice and Immorality.

Mr. Moreland presented a petition, asking for the passage of a Prohibitory Liquor Law.

Read, and referred to Committee on Vice and Immorality.

Also, a petition for the suppression of Gambling

Read, and referred to same Committee

Mr. Johnson, of El Dorado, presented a petition, asking the passage of a Prohibitory Liquor Law.

Read, and referred to Committee on Vice and Immorality.

Mr. Hosmer presented a petition from citizens of San Francisco, relative to deficiency in the County and City Records.

Read, and referred to San Francisco delegation.

Mr. Stow presented a petition relative to a better observance of the Sabbath.

Read, and referred to Committee on Vice and Immorality.

Assembly bill No. 182, was read a second time, and referred to Judiciary Committee.

Mr. Hosmer introduced a bill for An Act concerning the collection of Taxes now due the county of San Francisco.

Read first and second time, and referred to San Francisco delegation.

Reported amended, considered engrossed, read third time, and passed.

Mr. Graves introduced a bill for An Act to provide for the erection of a Jail in the County of San Luis Obispo.

Read first and second time, and referred to San Luis Obispo, Tuolumne, Monterey, Santa Barbara, and Tulare delegations.

Mr. Adkison introduced a bill for An Act to regulate Elections, passed March 23, 1850.

Read first and second time, and referred to Committee on Elections.

Mr. Stevenson introduced a bill for An Act to provide temporarily for a Board of Supervisors for the County of El Dorado.

Read first and second time, and referred to the El Dorado delegation.

Mr. Wells introduced a bill for An Act to take the sense of the People of the State of California at the General Election in A. D. 1855, on the passage of a Prohibitory Liquor Law.

Read first and second time, and referred to Committee on Vice and Immorality.

Mr. Hunt introduced a bill for An Act to create a new State out of a portion of the territory of California

Read first time, and ordered printed.

Mr. Brown introduced a bill for An Act to amend an Act to regulate Elections, passed March 23, 1850.

Read first and second time, and referred to Judiciary Committee.

Mr. Palmer gave notice that he would introduce a bill for An Act concerning Passengers arriving at Ports in this State, who are ineligible to become citizens of this State.

Mr. Hosmer gave notice that he would introduce a bill concerning the office of County Auditor of San Francisco county.

Also, a bill to provide for the election of a Board of Supervisors for San Francisco county.

Also, a bill to provide for the election of a Collector of State and County Taxes in and for San Francisco county.

Mr. Ferrell gave notice that he would introduce a bill to fund the Debt of San Diego county, and to provide for the payment of the same.

Mr. Ashley gave notice that he would introduce a bill to create a new county, to be called Pajara county

Mr. Ashley, of the Judiciary Committee, made the following report :

Mr. Speaker :

The Judiciary Committee have had under consideration Senate bill No. 10, entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers," have amended the same in various particulars, and have added a few additional provisions; all of which is embodied in the substitute bill herewith presented.

It has been the design of the Committee to devise the most economical system consistent with a prompt and energetic administration of county affairs. It is very difficult to frame a general law of this character which will meet the wants of the diverse interests of different portions of the State; but it is desirable to pass a general law, and your Committee, believing this bill as little liable to fair objection as any that can be presented, recommend its passage, with the amendments and additions proposed.

All of which is respectfully submitted.

ASHLEY,

Of the Committee.

Senate bill No. 10, substitute read first and second time.

Ordered printed.

Mr. Waite, of the Committee of Ways and Means, verbally reported Assembly bill No. 178, and recommended its passage.

The bill was considered engrossed, read third time, and passed.

Mr. Arrington made the following report .

Mr. Speaker :

Your Committee on the State Prison have had under consideration the report of the Lessee of said Prison, with two petitions from citizens of Marin and Contra Costa counties, which they respectfully beg leave to report back to this honorable body, and recommend its reference to the Select Committee appointed by this House to visit the State Prison.

ARRINGTON,

Chairman.

The report was adopted.

Mr. Keys, Chairman, made the following report :

Mr. Speaker :

The Committee on Mileage, to whom was referred Assembly bill No. 164, have had the same under consideration, report it back without amendment, and recommend its passage.

KEYS,

Chairman

Assembly bill No. 164, reported above, was ordered engrossed

Mr. Johnston, from the San Francisco delegation, made the following report :

Mr. Speaker:

The Select Committee, composed of the San Francisco delegation, to whom was referred the bill for An Act concerning the collection of Taxes now due in the County of San Francisco, after considering the same, beg leave to report the bill to the House, recommend that section 2 be stricken out, and respectfully urge the immediate passage of the bill so amended.

GEO. P. JOHNSTON,
Chairman.

Assembly bill No. 184, reported above—

Committee amendments adopted, considered engrossed, read third time, and passed.

The following message was received from the Governor .

EXECUTIVE DEPARTMENT, }
Sacramento, Feb. 26, 1855. }

To the Senate and Assembly of the State of California :

I deem it my duty to again invite your attention to the great importance of immediate action in relation to the appropriation made by Congress at its last session, to be paid into the Treasury of the State of California, for " expenses incurred in the suppression of Indian hostilities " within her limits, in the year 1850 and 1851.

In explanation of the reasons which induce me at this time to communicate with you by special message, it is proper to state that erroneous impressions appear to be entertained by some as to the provisions of the several Acts heretofore passed on the subject, and, also, that since the assembling of the Legislature, I have received letters from our Representatives in Congress and others interested in the prosperity of California, urging the importance of early action on the part of the State to secure for her the full benefit intended to be conferred by the Act of Congress assuming, to a certain amount, the debt by her incurred in the suppression of Indian hostilities.

These letters assure me that in order to secure a recognition on the part of the General Government of the past action of the State in the premises, and have the entire amount appropriated paid into the Treasury of the State and ultimately applied in the redemption of the outstanding war bonds, it will be necessary to transmit the papers, vouchers and accounts to Washington City, in charge of an agent authorized to act in the matter for the State.

In order to correct erroneous impressions and enable you to act promptly on the important subject, it is deemed proper in this communication to direct your attention to the provisions of the several acts passed by the State in relation to the settlement and final payment of the debt incurred in the suppression of Indian hostilities, and, also, to the Acts of Congress assuming the payment of the same.

The Act passed Feb. 15, 1851, authorized the recognition of a loan not exceeding five hundred thousand dollars, upon the faith and credit of the State, payable in ten years, and at any period after five years, at the pleasure of the State, said loan to be at the rate of interest not exceeding twelve per cent. per annum

Section 7, of the same Act, provides as follows:

“Any claim which this State has now, or may hereafter have, on the General Government for moneys expended out of this loan for the purposes aforesaid, shall be and the same is hereby *set apart* and *pledged* for the payment of the principle and interest arising upon said bonds.”

Of the outstanding war bonds of the State, two hundred thousand dollars, bearing an interest of twelve per cent. per annum, were issued in compliance with the provisions of the Act above referred to, which was passed February 15, 1851.

The balance of the bonds now outstanding amounting in the aggregate to the sum of six hundred and thirty thousand seven hundred dollars (\$630,700), were issued in accordance with the requirements of several Acts of the Legislature, passed respectively May 3, 1852, April 16, 1853, and May 18, 1853. The first section of the Act of May 3, 1852, provides that “a sum not exceeding six hundred thousand dollars (\$600,000) is hereby *appropriated and set aside* as an additional war fund, payable in ten years out of any moneys which may be appropriated by Congress to defray the expenses incurred by the State of California, and interest thereon at the rate of seven per cent. per annum, in the suppression of Indian hostilities, or out of the proceeds of the sale of any public lands which may be donated or set aside by Congress for that purpose, and should no such appropriation or donation be made, or if an amount sufficient should not be appropriated or donated within the said ten years, then the bonds authorized to be issued by the Act shall be good and valid claims against the State, and shall be paid out of any money in the Treasury not otherwise appropriated.

Section 9 of the same Act pledges “any claim which the State has or may hereafter have upon the General Government to the payment” of the bonds issued under the Act.

The provisions of the Acts of April 16, and May 3, 1853, it is proper to state, are similar to those of the Act of 1852, differing only in the amount of bonds authorized to be issued.

By reference to the foregoing sections of law, it will be seen that “any claim which the State has or may hereafter have upon the General Government” is pledged for the payment of the bonds issued in pursuance of the several Acts named, but that they only become “good and valid claims against the State” at the expiration of ten years, and in case of failure on the part of the General Government to assume the debt.

As was anticipated at the date of the passage of the Acts above referred to, Congress has provided for the payment of the war debt of the State to the amount of nine hundred and twenty-four thousand two hundred and fifty nine dollars and sixty-five cents (\$924,255 65), and directed that sum, after an examination of the accounts and vouchers by the proper officers, to be paid into the Treasury of the State.

In view of the fact that the bonds issued in compliance with the above recited sections of the Acts of 1852 and 1853, will not be fully due until the year 1862, and “only become valid claims against the State at the expiration of ten years” from their dates respectively, it would, perhaps, be well for you, after having provided for a settlement with the proper department at Washington City, so as to secure payment of the amount appropriated into the State Treasury, to pass an Act fixing the *time* and *place* of payment of the bonds, and in the same Act prescribe the terms of redemption.

The section of law passed by Congress assuming the war debt of the State, reads as follows:

"Section 3. *And be it further enacted*, That the Secretary of War be and he is hereby authorized and directed to examine into and ascertain the amount of expense incurred and actually and properly paid by the State of California in the suppression of Indian hostilities within the said State prior to the first day of January, A. D., 1854, and that the amount of such expenses when so ascertained, be paid into the Treasury of the said State; *provided*, that the sum so paid shall not exceed in amount the sum of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents (924,259 65), which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

It will be observed that the foregoing section does not authorize the Secretary of War to transfer the amount appropriated from the National into the State Treasury until he shall have "examined into and ascertained the amount of expenses incurred and actually and properly paid by the State of California in the suppression of Indian hostilities.

In order, therefore, to enable the Secretary to perform the duty enjoined by the section of law above recited, all the accounts, vouchers and papers in the possession of the State, requisite to clearly establish her claim, should without delay be forwarded to Washington City, in charge of an agent competent from personal knowledge of the history of the several Indian expeditions, the vouchers, accounts, etc., to render efficient service in securing a fair settlement of the same.

By reference to the report of the Controller of State, it will be seen that on the 20th day of December, A. D., 1854, the war debt, interest included, amounted to the sum of one million thirty thousand five hundred and thirty dollars and thirty-three cents (\$1,030,530 33). For this large sum the State has issued bonds for two hundred thousand dollars (\$200,000), bearing an interest of twelve per cent., and the balance seven per cent. per annum, adding monthly to the amount ultimately to be paid, a sum exceeding five thousand six hundred dollars (\$5,600).

Confident in the belief that proper action on your part in relation to the transmission to Washington City of the necessary papers and vouchers, is all that is now required to secure the early payment into the State Treasury of the whole amount appropriated, it is hoped that you will give the subject the immediate and careful consideration which its importance to the interest of the State unquestionably demands.

JOHN BIGLER.

The message was read, and referred to Committee on Ways and Means.

Mr. Arrington, Chairman, made the following report :

Mr. Speaker :

The Select Committee, to whom was referred Assembly bill No. 183, entitled An Act to create a Board of Supervisors for Klamath County, and to define their duties and powers, would respectfully report the same, and recommend its passage.

ARRINGTON,
Chairman.

Assembly bill No. 183, above reported, ordered engrossed.

Mr. Johnston, of San Francisco, Chairman, made the following report :

Mr. Speaker :

The Select Committee, to whom was referred the petition of John W. Dwinelle, relative to certain funded Bonds of Tuolumne county, beg leave to report a bill, and recommend its passage.

JOHNSTON,
Chairman.

The bill introduced by the Committee, An Act authorizing the Commissioners of the Funded Debt of the County of Tuolumne, to re-issue certain bonds to John W. Dwinelle.

Read first and second time, and referred to the Tuolumne Delegation.

On motion of Mr. Wells, the vote of yesterday, indefinitely postponing Assembly bill No. 59, An Act to fix the Sessions of the Supreme Court at the cities of Sacramento and San Francisco, was reconsidered.

The bill was recommitted to the Judiciary Committee.

Mr. McCutchan moved to pass over the special order for 12 o'clock this day, for the purpose of taking up the Land Bill.

Upon which Messrs. Watkins, Adkison, and McCurdy, demanded the ayes and nays, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Ashley, Baker, Brewton, Brown of Nevada, Burke, Cammet, Chase, Cook, Cunningham of El Dorado, Edwards, Farley, Flournoy, Foster, Ferguson, Gaylord, Geller, Gober, Hosmer, Hunt, McCutchan, McCurdy, Meredith, Quinn, Rowe, Stevenson, Singley, Smith of El Dorado, Stewart, Updegraff, and Mr. Speaker—32.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Adkison, Beatty, Bogardus, Brown of Contra Costa, Cory, Covarrubias, Cunningham of Sierra, Douglas, Doughty, Farwell, Ferrell, Gragg, Johnson of El Dorado, Jones, Keys, Lincoln, Mellus, Moreland, Murdock, Palmer, Phelps, Ryland, Stevens, Sherrard, Taliaferro, Taylor, Watkins, Waite, Wells, and Whitney—31.

So the special order was passed over.

The House resolved itself into Committee of the Whole, Mr. Taylor in the chair, to take into consideration the Assembly Joint Resolution No. 1, relative to the establishment of an additional Land District in this State.

Committee rose, and were discharged, with leave to sit again.

House resolved itself into Committee of the Whole, on the special order for the day, Mr. Johnston, of San Francisco, in the chair, Assembly bill No. 73, An Act to suppress Gaming

Committee rose, reported, and were discharged.

On motion, the bill was referred to Select Committee of nine; Messrs. Baker, Arrington, Adkison, Jones, Stevens, Johnston of San Francisco, Taliaferro, Burke, and Ryland, the Committee.

Mr. Baker moved to instruct the Committee to prepare a substitute, so as to prohibit all betting, and also to prohibit the keeping of Gambling Houses.

Not agreed to.

Mr. Moreland, Chairman, made the following report:

Mr. Speaker:

The Committee on Engrossment have examined, and find correctly engrossed—

An Act supplementary to an Act entitled an Act concerning County Records.

An Act authorizing the Board of Supervisors of Napa County to lay a tax for certain purposes.

An Act supplementary to an Act passed May 15, 1854, entitled an Act to fund the debt of the County of Mariposa, and provide for the payment of the same.

Also, An Act concerning the Taxes now due the County of Monterey.

THOS. MORELAND,

Chairman.

Assembly bill No. 90, above reported, read third time and passed.

Assembly bill No. 166, above reported, read third time and passed.

Assembly bill No. 159, reported above, read third time and passed.

On motion of Mr. Arrington, the House adjourned.

IN ASSEMBLY.

WEDNESDAY, February 28, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called, and the following members were absent:

Messrs. Arrington, Bates, Boles, Brewton, Brown of Contra Costa, Buffum, Chase, Clayton, Coombs, Covarrubias, Flournoy, Geller, Jones, Kinney, Knox, McConnell, Rowe, Smith of Marin, Stewart, Taliaferro, Updegraff and Vineyard.

Mr. Buffum was granted leave of absence for two and Mr. Graves for three days.

Journal of yesterday was read, amended and approved.

Mr. Wells presented a petition praying for the enactment of a law for the suppression of barbarous and noisy exhibitions on the Christian Sabbath.

Read and referred to Committee on Vice and Immorality.

Mr. Gober presented a petition praying for the passage of a prohibitory liquor law.

Read and referred to Committee on Vice and Immorality.

Mr. Keys presented a petition asking for the passage of a prohibitory liquor law.

Read and referred to same Committee.

Mr. Moreland presented a petition on the same subject.

Read and referred to same Committee.

Mr. Palmer introduced a bill for an Act concerning Passengers arriving at Ports in this State, who are ineligible to become Citizens.

Read first and second time and referred to Judiciary Committee.

Mr. Rodgers introduced a bill for an Act to provide for the Support of the Indigent Sick in the City and County of San Francisco, and those arriving by Sea.

Mr. Watkins gave notice that he would introduce a bill granting to J. M. Dougherty, W. Glaskens, Joel Harlan, and their associates, the privilege of constructing a Turnpike Road from the San Joaquin Valley, through the Livermore and Castro Passes, in the Coast Range of Mountains, to the Valley of the Bay of San Francisco.

Mr. McCutchan gave notice that he would introduce a bill for the construction of a Wagon Road from the Sacramento Valley, by what is known as Noble's Pass, to some point on the Mary's and Humboldt River.

Mr. Whitney, Chairman, made the following report :

Mr. Speaker :

The Committee on Corporations, to whom was referred Assembly bill No. 112, have, according to order, had the same under consideration, and have directed me to report the same back to the House and recommend its indefinite postponement.

WHITNEY,
Chairman.

Assembly bill No. 112, reported above.

Laid on the table.

Mr. Flournoy verbally reported Assembly bill No. 107, with amendments.

Adopted and ordered engrossed.

Mr. Moreland, Chairman, made the following report :

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed, An Act concerning the collection of Taxes now due in the County of San Francisco.

MORELAND,
Chairman.

Mr. Stevenson verbally reported Assembly bill No. 188, with amendments.

Adopted.

The bill was considered engrossed, read third time and passed.

Mr. Edwards made the following report :

Mr. Speaker :

The Sacramento delegation report that they have reconsidered the Assembly bill No. —, entitled An Act to authorize the County of Sacramento to fund the outstanding Warrants drawn against the Court House and Jail Fund of the County. That in conformity with the instructions of the House, they have corrected the clerical errors which had occurred therein. They have also restored the lost or omitted section, and prepared the proviso directed by the instructions of the House, and they recommend the passage of the bill thus corrected and amended.

Respectfully submitted.

P. L. EDWARDS,
Chairman.

Amendments reported above were adopted.

Mr. Farwell verbally reported Senate bill No. 2, with certain amendments.

Adopted, and the bill was recommitted.

On motion of Mr. Watkins, the House resolved itself into Committee of the Whole, Mr. Taliaferro in the chair, to take into consideration Assembly bill No. 33, special order of the day.

The bill was considered.

Committee rose, reported, and were discharged.

Committee amendments concurred in and the bill considered engrossed.

Read third time and passed.

Mr. Amyx made the following report :

Mr. Speaker :

The select Committee to whom was referred Assembly bill No. 191, have had the same under consideration, and have made the amendments thereto appended, and herewith report the bill back to the House, and would respectfully recommend its passage as amended.

AMYX,
Of Committee.

Assembly bill No. 191, above reported.

Committee amendments adopted and the bill ordered engrossed.

Mr. Gober offered the following resolution :

Resolved, That Assembly bill No. 18 be made the special order of the day for Friday next at 12, M., and from that hour it shall have precedence of all other unfinished business.

Adopted.

On motion of Mr. Arrington, Assembly bill No. 122 was taken up, amended and ordered engrossed.

The following message was received from **the** Senate:

Mr. Speaker :

I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 90, for An Act to incorporate the City of Marysville.

WM. A. CORNWALL,
Secretary of Senate.

Senate bill No. 90, An Act to incorporate the City of Marysville.

Mr. Gober moved a suspension of the rules, and that the bill be read a second time ; upon which

Messrs. Chase, Adkison and Watkins demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Adkison, Baker, Beatty, Bogardus, Brewton, Brown of Contra Costa, Burke, Cammet, Cory, Coombs, Cook, Covarrubias, Cunningham of Sierra, Curtis, Dana, Doughty, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Gober, Gragg, Hosmer, Hunt, Jones, Keys, Lincoln, McCutchan, McCurdy, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevens, Sherrard, Singley, Smith of El Dorado, Stewart, Taylor, Updegraff, Watkins, Waite, Wells, Whitney, Mr. Speaker—56.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Brown of Nevada, Chase, Meredith, Taliaferro—6.

Agreed to.

Mr. Moreland, Chairman, made the following report :

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed An Act to provide temporarily for a Board of Supervisors for the County of El Dorado.

MORELAND,
Chairman.

On motion of Mr Taylor, Assembly bill No. 40, an Act entitled An Act to amend an Act entitled An Act amendatory of and supplementary to the Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed May 15th, 1854, was taken from the table and ordered engrossed.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate has this day passed Assembly bill No. 178, entitled An Act concerning the Collection of Taxes now due in the County of Monterey.

Also, That they have passed Assembly bill No. 184, entitled An Act concerning the Collection of Taxes now due in the County of San Francisco.

WM. A. CORNWALL,
Secretary Senate.

Mr. Johnston of San Francisco, offered the following resolution :

Whereas, The present condition of financial affairs in this State is such as to awaken serious fears for the safety of the public funds ; *and, whereas*, it is peculiarly the duty of this House, in such a crisis, to guard the public interests by every reasonable precaution, and to obtain such information as will enable this body to act judiciously and efficiently in the premises, therefore, be it

Resolved, That a Committee of five be appointed, whose duty it shall be to investigate and report to this House what disposition has been made of the one hundred and fifty thousand dollars received by this State from the United States for the Custom House Block in San Francisco ; where said money now is, and whether, at any time, the money belonging to the State has been used by any person or persons for his or their private business ; and if so, how and by whom it was so used ; and also, whether any Controller's or other similar certificates, given for services rendered, but for which no appropriation was made by the last Legislature, have been received by the State Treasurer in payment for property sold by the State Board of California Land Commissioners, or for other State property ; and said Committee shall be fully authorized and empowered to send for persons and papers to accomplish the objects of this resolution.

Adopted.

The Speaker appointed Messrs. Johnston of San Francisco, Douglas, Murdock, Adkison and Flournoy the Committee.

Mr. Doughty presented sundry accounts in favor of Messrs. Neville & Co., of Benicia.

Referred to Committee on Accounts and Expenditures.

Mr. Waite presented an account in favor of the California Chronicle newspaper office for subscription.

Also, an account in favor of J. J. Rolfe & Co., for publishing election notices.

Referred to Committee on Accounts and Expenditures.

Mr. Rowe offered the following resolution :

Resolved, That the Sergeant-at Arms is hereby required to procure two hundred dollars worth of Government envelopes for the use of the Assembly.

Laid on the table.

Mr. Adkison presented a petition from the Common Council of the city of Marysville, Yuba county.

Read and referred to Yuba county delegation.

Mr. Moreland gave notice that he would introduce a bill to create a Board of

County Commissioners, in the County of Placer, and prescribe their Duties and Powers.

Mr. Hosmer offered the following resolution :

Resolved, That the Sergeant-at-Arms be and is hereby instructed to have the United States flag hoisted upon the flag staff, upon the top of this House, at the hour of the meeting of the Assembly, each day that it shall be in session, and that, on the adjournment of the House, the flag shall be lowered until the next meeting of the Assembly.

Mr. Farley moved to lay the resolution on the table.

Not agreed to.

On motion of Mr. Arrington, the House adjourned.

IN ASSEMBLY.

THURSDAY, March 1, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called and the following members were absent:

Messrs. Bates, Edwards, Geller, and Kinney.

Journal of yesterday was read and approved.

Mr. Covarrubias presented a petition from sundry citizens of Mexico, and State of California, praying for an extension of the Statute of Limitations.

Read.

Mr. Amyx moved to lay on the table.

Not agreed to.

On motion, referred to Judiciary Committee.

Mr. Keys presented a petition from citizens of French Camp, praying for the enactment of a Prohibitory Liquor Law.

Read, and referred to Committee on Vice and Immorality.

Mr. Wells presented a petition from citizens of Yuba and Butte counties, relative to diverting water from the natural channels.

Read, and referred to Committee on Mines and Mining Interests.

Mr. Douglas presented a petition from citizens of San Joaquin, relative to Slocum's or Telegraph Ferry.

Read, and referred to Committee on Roads and Highways.

Mr. Brown, of Contra Costa, presented a petition from citizens of Martinez, praying for the enactment of a Prohibitory Liquor Law.

Read, and referred to Committee on Vice and Immorality.

Mr. Updegraff introduced a bill for An Act to change the time of holding different Courts authorized to be held by the County Judge in the County of Yolo.

Read first time

Mr. Vineyard introduced a bill for An Act making State, County, and City indebtedness receivable in payment of public dues.

Read first time.

Mr. Stevenson introduced a bill for An Act declaring Mining Claims to be personal property, and exempt them from forced sales in certain cases.

Read first and second time, and referred to Committee on Mines and Mining Interests, and 240 copies ordered printed.

Mr. Rowe introduced a bill for An Act to authorize John Hoeker to keep a public Ferry across Trinity river.

Read first and second time, and referred to Committee on Roads and Highways.

Mr. Moreland introduced a bill for An Act giving certain powers to the County of Placer.

Read first and second time, and referred to Placer delegation.

Mr. Meredith introduced a bill for An Act granting James L. Graves and Thomas C. Burton, and such others as they may associate with them, the right to construct a Toll Bridge across the American river, at or near the Mississippi Bar.

Read first and second time, and referred to Committee on Roads and Highways.

Mr. Keys introduced a bill for An Act to amend an Act concerning District Attorneys, passed April 29, 1851.

Read first and second time, and referred to Judiciary Committee.

Mr. Keys introduced a bill for An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

Read first and second time, and referred to Judiciary Committee.

Mr. Gober introduced a bill, An Act to repeal an Act entitled an Act to authorize Married Women to transact business in their own names, as sole traders.

Read first and second time, and referred to Judiciary Committee.

Mr. Brown, of Contra Costa, introduced a bill for An Act to incorporate the town of Martinez.

Read first and second time, and referred to Committee on Corporations.

Mr. Cunningham, of Sierra, gave notice that he would introduce a bill to increase the Salary of the County Judge of Sierra County.

Mr. Stevenson gave notice that he would introduce a bill providing for the construction of a Wagon Road from the city of Placerville over the Sierra Nevada Mountains to Carson Valley.

Mr. Beatty gave notice, that he would introduce a bill to change the time of holding the Court of Sessions in Calaveras county.

Mr. Taylor, from the Judiciary Committee, made the following report :

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 8, An Act to amend an Act concerning Crimes and Punishments, have considered the same, and report it back to the House without amendment, and recommend its passage.

TAYLOR,

Of Committee.

The House resolved itself into Committee of the Whole, Mr. Farley in the chair, to take into consideration Assembly bill No. 8, reported above.

Bill considered, Committee rose, reported, and were discharged.

On motion, the bill was considered engrossed, read third time, and passed.

Mr. Taylor, from Judiciary Committee, made the following report :

Mr. Speaker:

The Judiciary Committee have had under consideration Assembly bill No. 180, and report the same back to the House without amendment, and recommend its passage.

TAYLOR,
Of Committee.

Assembly bill No. 180, An Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Tuolumne, reported above.

Ordered engrossed.

Mr. Taylor, from the Judiciary Committee, made the following report :

Mr. Speaker :

The Judiciary Committee having had Assembly bill No. 179 under consideration, report the same back to the House, and recommend its passage, without amendment.

TAYLOR,
Of Committee.

Assembly bill No. 179, An Act proposing to the seventh Legislature an amendment to the Constitution of the State of California, above reported—

Ordered engrossed.

Mr. Rowe, Chairman, verbally reported Assembly bill No. 69, An Act to authorize Caruthers & Stewart to use the waters of Stanislaus river for manufacturing purposes.

Reported above, amended, and ordered engrossed.

Mr. Rowe, Chairman, verbally reported substitute for Assembly bill No. 52, An Act to define the method of acquiring rights to divert water for mining purposes in the Mineral Districts of this State, above reported.

On motion of Mr. Rowe, the bill was made the special order for Thursday next, at 12 o'clock, M., and 240 copies ordered printed.

Mr. Ferrell, from Judiciary Committee, made the following report :

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 172, have instructed me to report the same back to the House as amended, and recommend its passage.

FERRELL,
Of Committee.

Assembly bill No. 172, An Act concerning the collection of Taxes in the County of Marin, above reported.

Committee amendments adopted, and ordered engrossed.

Mr. Lincoln, Chairman, made the following report :

Mr. Speaker:

The Committee on Public Buildings and Grounds have had under consideration Assembly bills No. 7 and 14, report a substitute for the same, and recommend its passage.

LINCOLN,

Chairman.

The report of the Committee was adopted, and the bill read a first and second time.

Mr. Doughty moved to strike out Sacramento, and insert "Benicia."

Not agreed to.

Mr. Arrington moved to insert Crescent City instead of Benicia.

Not agreed to.

Mr. Ferrell moved to strike out the enacting clause.

Not agreed to.

The bill was read a third time.

The ayes and noes were then taken on the passage, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Arrington, Adkison, Baker, Beatty, Bogardus, Brew-ton, Brown of Contra Costa, Brown of Nevada, Burke, Cammet, Cory, Chase, Clay-ton, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Farwell, Ferrell, Ferguson, Galvin, Gaylord, Geller, Gragg, Johnson of El Dorado, Johnston of San Francisco, Keys, Lincoln, McCutchan, McConnell, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Rodgers, Rowe, Stevens, Stevenson, Sherrard, Singley, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Waite, Wells, Whitney, and Mr. Speaker—58.

Those who voted in the negative were—

NOES.

Messrs. Ashley, Coombs, Edwards, Farley, Gober, Hunt, Smith of El Dorado, and Stewart—8

There being a constitutional majority, the bill passed.

Mr. Mellus, from the Committee on Accounts, verbally reported back certain accounts, and recommended their reference to Committee on Claims.

The recommendation was adopted.

Mr. Mellus, Chairman, made the following report :

Mr. Speaker:

The Committee on Accounts and Expenditures, to which was referred Assembly bill No. 148, for An Act to provide for the safe keeping of the Public Moneys, have had the same under consideration, and beg leave to report to the House as follows : That in the opinion of the members of the Committee, it would not be advisable to

have the public moneys deposited in the vaults of the building at present occupied by the Legislature, unless the rooms in which the vaults are built can be occupied as offices for the State Treasurer and State Controller; and would, therefore, respectfully recommend that a Committee of five be appointed by the House, to ascertain the fitness of the rooms for the offices aforesaid, as also upon what terms they can be obtained for the uses as above.

MELLUS,
Chairman.

Adopted.

Messrs. Watkins, Gober, Andrews, Farley, and Coombs, Select Committee to take the report into consideration.

Mr. Adkison, made the following report :

Mr. Speaker :

The majority of the delegation, to whom was referred the Marysville City charter, having the same under consideration, find there is no change from the old charter, except in the creation of the office of City Recorder, City Attorney, increasing the number of Aldermen in each ward from two to three; also making all officers elective by the citizens, and fixing the salaries of Mayor and Recorder, and making the Recorder pay all fines and costs received by him into the City Treasury weekly. Believing that the amendments are in accordance with the wishes of a large majority of the citizens of Marysville, we respectfully recommend its passage.

ADKISON,
Chairman.

Senate bill No. 90, above reported—

Mr. Chase's motion to recommit was lost.

Mr. McCutchan moved to strike out of section 21, so much as related to the building of the bridge across the North Yuba.

Mr. Chase offered the following amendments :

"Within one month after the passage of this Act, the Mayor of the City of Marysville shall issue a proclamation for a special election, giving ten days' notice thereof, at which election, the lawful electors of the city of Marysville shall be called upon to vote directly for or against accepting this Act of Incorporation as the Charter of the city.

"This Act shall take effect from and after the time when a majority of the qualified voters of the city of Marysville shall have adopted it, in accordance with the above provisions; *provided*, that the officers elected at the municipal election to be holden on Monday, the 5th day of March next, under the existing charter, shall hold their offices under this Act until the expiration of the terms for which they shall have been elected, and until their successors shall have been elected and qualified; *provided, also*, that such new officers as may be provided for in this Act shall be elected, under the provisions of this Act, within fifteen days after the adoption of this charter, as aforesaid, to hold their offices for the remainder of the term, and until the next municipal election."

The amendment was lost.

The bill being put upon its passage, was passed.

Mr. Adkison moved to reconsider.

Lost.

Mr. Ferrell presented the following memorial :

To the Hon. the Senate and Assembly of the State of California :

The memorial of the undersigned, Judges of the Supreme Court, respectfully represents :

That it is of the utmost importance that the Supreme Court should be supplied with a Law Library : for the want of which, the Bench and Bar attending upon it are shut out from access to information, which they believe, in every other State in the Union, is extended to this department of the Government without stint.

The want of it increases the labors of the Judges, and renders their results less satisfactory to themselves than if they had the advantage of thorough investigation, which they cannot attain without a library so extensive as to place the acquisition of it beyond the reach of individual and private resources. The best plan suggested to our minds to accomplish the object we desire, is to transfer to the custody of the Court all of the law volumes now in the State Library, and to add thereto an appropriation of ten thousand dollars for the purchase of others.

The State Library would then be composed of works exclusively political, literary, and miscellaneous, while the Supreme Court would have a complete library exclusively belonging to the law, and to which the members of the Legislature and officers of State would have free access. The greater convenience of having the two separate, if considered alone for the benefit of the Legislature, will be so obvious, upon reflection, as to require no remark.

We also beg to call your earnest and speedy attention to the necessity of an early and prompt publication of the decisions of the Court. Many suits would not be brought, and many appeals to this Court would not be taken, if the principals already settled were made known to the public, or put within reach of the Bar. We ought now to have already published the fourth volume of Reports, and yet we have not received the third volume.

This great inconvenience, resulting so often in injury and expense to parties litigant, has already been brought to your notice, and we can only add our opinion as to the great necessity for action.

We also ask as a favor of the Legislative department, to furnish a confidential clerk or secretary to the Judges, to be appointed by them. There are various duties to be assigned to such an officer, which now add heavily to the burdens of the Judges, and which are, in effect, a species of drudgery from which they pray to be relieved. Among these, the undersigned will mention the care and proper arrangement of the records, briefs and arguments in writing, while in the consultation rooms ; the copying of the opinions of the Judges, which is necessary in most cases, on account of erasures and emendations, and answering the correspondence of the members of the Bar in all parts of the State, which is growing heavier every term.

In calling your attention to these objects of importance, we take the liberty to add, that the whole amount of additional expense to the State is very small compared to her resources and wants ; that the judicial is much the least expensive department of the Government, while the importance of its successful and correct discharge of its functions, ranks above that of any other. We think, therefore, it

ought to be endowed with all the necessary means, for the prompt and efficient exercise of the powers confided to it by the Constitution of the State.

All of which is respectfully submitted.

H. C. MURRAY,
S. HEYDENFELDT,
C. H. BRYAN.

Referred to Special Committee on Libraries.

Mr. Meredith, Chairman, made the following reports :

Mr. Speaker:

The Joint Committee on Enrollment have examined, and find correctly enrolled, the following bills, viz :

An Act concerning the collection of Taxes now due in the County of Monterey.

An Act concerning the collection of Taxes now due in the County of San Francisco.

An Act to repeal the Sixth Section of an Act entitled an Act to provide for Funding the Debt of San Joaquin County, for the payment of the Interest thereon, and for the gradual liquidation of the Debt, approved April 20, 1852, and to amend the thirteenth section of the same.

An Act to provide for the payment of the Salary of W. H. Harvey for the term of time said Harvey may have served as County Judge of the County of Tulare.

An Act fixing the time of holding the several Courts authorized to be held by the County Judge of the County of Contra Costa.

An Act for the relief of the State Insane Asylum.

H. B. MEREDITH,
Chairman.

Mr. Speaker:

The Joint Committee on Enrollment presented to Governor Bigler for his approval this day, the following bills, viz .

An Act to repeal the Sixth Section of an Act entitled an Act to provide for Funding the Debt of San Joaquin County, for the payment of the Interest thereon, and for the gradual liquidation of the Debt, approved April 20, 1852, and to amend the thirteenth section of the same.

An Act to provide for the payment of the salary of W. H. Harvey, for the term of time said Harvey may have served as County Judge of the County of Tulare.

An Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Contra Costa.

An Act for the relief of the State Insane Asylum.

An Act concerning the collection of Taxes now due in the County of San Francisco.

An Act concerning the collection of Taxes now due in the County of Monterey.

H. B. MEREDITH,
Chairman.

Mr. Moreland made the following report:

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed—

An Act to prohibit barbarous and noisy amusements on the Christian Sabbath.

An Act amendatory of and supplementary to an Act entitled an Act to provide for the Incorporation of Towns, passed March 27, 1850.

An Act amendatory of and supplementary to an Act entitled an Act defining the legal distances from each County Seat, in the State of California, to the Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin, passed May 15, 1854.

An Act to create a Board of Supervisors for the County of Shasta, and to define their duties.

An Act to amend an Act entitled an Act amendatory and supplementary to the Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854.

MORELAND,
Chairman.

On motion of Mr. Ryland, the report was laid on the table.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate had passed a resolution requesting the Assembly to return to the Senate the original of Assembly bill No. 184, entitled An Act concerning the collection of Taxes now due in the County of San Francisco.

WM. A. CORNWALL,
Secretary of Senate.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }
Sacramento, March 1, 1855. }

To the Assembly of California :

An Act entitled an Act concerning the collection of Taxes in the County of San Francisco, is hereby returned to the House in which it originated, for correction.

By reference to the Statutes of 1854, it will be seen that An Act entitled an Act to provide Revenue for the Support of the Government of this State, was passed on the 15th day of May, A. D. 1854, and not on the 3d day of April, 1854, as set forth in the first section of the Act herewith returned for correction.

This correction is regarded as indispensably necessary, in order to enable the Sheriff to perform his duty in accordance with law.

JOHN BIGLER.

Assembly bill No. 184—

Mr. Ryland moved to strike out April 3, and insert May 15.

Agreed to

On motion of Mr. Gober, the House resolved itself into a Committee of the Whole, Mr. Gober in the chair, to take under consideration Assembly bill No. 88. Committee rose, reported, and asked leave to sit again.

The following message was received from the Senate :

Mr. Speaker:

I am directed to inform the Assembly that the Senate have, this day, reconsidered Assembly bill No. 184, entitled An Act concerning the collection of Taxes now due in the County of San Francisco, and that they have again passed the said bill, with amendments, in which the concurrence of the Assembly is respectfully requested.

WM. A. CORNWALL,
Secretary Senate.

Assembly bill No. 184—

Senate amendments concurred in.

Senate bill No. 38, An Act to provide for the Prosecution of Escheated Estates.

Read second time, and referred to Committee on Escheated Estates.

Mr Moreland's report was taken from the table.

Assembly bill No. 12, above reported, was read third time and passed.

Assembly bills No. 164, No. 40, No. 107, and No. 116, were also read a third time and passed.

On motion of Mr. Johnston of San Francisco, Assembly bill No. 31 was made the special order for Tuesday next, at 1 o'clock, P. M.

Mr. Covarrubias, Chairman, made the following report:

Mr. Speaker :

The Committee on Military Affairs, to whom was referred the bill of George T. Bigby against the State of California, for services as armorer, in the employ of Joseph C. Moorehead, for the sum of \$450, report that they have examined the same, and find no proof of the same being a just charge against the State, and ask to be discharged from its further consideration.

COVARRUBIAS,
Chairman.

Mr. Coombs made the following report :

Mr. Speaker:

The delegations from Solano, Napa, Sonoma and Yolo counties, having had under consideration Assembly bill No. 97, relative to the boundary lines of Napa county, beg leave to report the same back to the House without amendment, and recommend its passage.

COOMBS.

Assembly bill No. 97, above reported.
Ordered engrossed.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, March 1, 1855. }

To the Assembly of California :

I have this day approved the following Acts, which originated in the Assembly, viz :

An Act to provide for the payment of the Salary of W. H. Harvey for the term of time said Harvey may have served as County Judge of the County of Tulare.

An Act concerning the collection of Taxes now due in the County of Monterey.

An Act fixing the Time of holding the several Courts authorized to be held by the County Judge in the County of Contra Costa.

An Act for the Relief of the State Insane Asylum.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento, March 1, 1855. }

To the Senate and Assembly of California :

I have the honor herewith to transmit to the Assembly a communication from the Surveyor General of the State of California, enclosing a report made to him by William Henderson, Esq., County Surveyor of the County of El Dorado, in relation to a Wagon Road from Placerville to Carson Valley.

JOHN BIGLER.

The following communication was received from the Surveyor General of the State :

SURVEYOR GENERAL'S OFFICE
Sacramento, Feb. 26, 1855. }

To His Excellency, John Bigler, Governor of California :

SIR :

The accompanying description and sketch of a wagon road from Placerville to Carson Valley, examined by William Henderson, Esq, County Surveyor of El Dorado, I received yesterday. They appear, from the hasty examination I have given them, to furnish some more definite information than was before possessed ; yet of those "bluffs" he says but little, and one cannot tell their

extent, whether one or ten miles ; from which fact I judge they are far from being trifles. The route should, undoubtedly, be accurately surveyed.

I am, very respectfully,
Your obedient servant,

S. H. MARLETTE,
Surveyor General.

P. S. Feb. 27th.—The accompanying memoranda of observations on route for wagon road from Sacramento to Carson Valley, I have just received from Major Case, with a request that I would transmit the same to your Excellency.

I am, etc.,
S. H. M.

Mr. Henderson's communication concerning a pass through the Sierra Nevada mountains was read and referred to Committee on Internal Improvements.
On motion of Mr. Farley, the House adjourned.

IN ASSEMBLY.

FRIDAY, March 2, 1855.

House met pursuant to adjournment.
The Speaker in the chair.
Roll called, and the following members were absent:

Messrs. Bates, Chase, Curtis, Doughty, Farley, Geller, Smith of El Dorado and Taylor.

Mr. Geller was granted leave of absence indefinitely, Mr. Farley for three days.

Journal of yesterday was read and approved.

Senate bill No. 16, a bill for an Act to repeal an Act entitled An Act to provide for the Establishment of a State Marine Hospital at San Francisco and to provide for the Indigent Sick of this State.

Mr. Stevenson moved to strike out the "first of March," and insert "first of April."

Mr. Farwell moved to lay the bill on the table ; whereupon,

Messrs. Amyx, Coombs and Farwell demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Brewton, Farwell, Ferrell, Flournoy, Gaver, Gober, Hunt, Jones, McCutchan, Mellus, Murdock, Taliaferro—12.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Adkison, Beatty, Bogardus, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Dana, Douglas, Foster, Ferguson, Gaylord, Gragg, Johnson of El Dorado, Johnston of San Francisco, Keys, Knox, Lincoln, McCurdy, Meredith, Phelps, Quinn, Rowe, Ryland, Stevens, Stevenson, Sherrard, Singley, Stewart, Updegraff, Vinegard, Watkins, Waite, Wells, Whitney, Mr. Speaker—45.

So the motion was lost.

Mr. Flournoy moved that the bill be made the special order for Tuesday next, at two o'clock, P. M. and every day thereafter until disposed of.

Mr. Rowe moved the previous question.

Sustained

The motion of Mr. Flournoy was then put.

Lost.

Mr. Jones moved that it be made the special order for Thursday next, at two o'clock, P. M., and every day thereafter until disposed of.

Agreed to.

Assembly bill No. 204, An Act to change the Time of holding the different Courts authorized to be held by the County Judge in the County of Yolo.

Read second time and referred to Judiciary Committee.

Assembly bill No. 202, An Act making State, County, and City Indebtedness receivable in payment of Public Dues.

Read second time and referred to Committee on Ways and Means.

Assembly bill No. 189, An Act to create a New State out of a portion of the Territory of California.

Read second time and referred to a select Committee of five—Messrs. Hunt, Ashley, Ferrell, Wells and McCutchan.

Mr. Stevenson's resolution to print one thousand copies of the report of the State Prison Inspectors was taken up.

Lost.

Mr. Wells' resolution to print five hundred copies of the annual report of the Quartermaster General was taken up.

Lost.

On motion, the House resolved itself into Committee of the Whole, on Assembly bill No. 192, An Act to create a Board of Supervisors in the Counties of this State and to define their Duties and Powers, reported as a substitute for Assembly bill No. 10, Mr. Douglas in the chair.

The Committee made various amendments, reported the bill back and recommended the adoption of the amendments.

The bill was ordered engrossed.

Assembly bill No. 18, the School Bill, special order for this day, was, on motion of Mr. Ashley, made the special order for Monday next, at 11 o'clock.

Mr. Stevenson moved to suspend the order of business, temporarily.

Agreed to.

On motion of Mr. Johnston, of San Francisco, Assembly bill No 181, An Act to provide for funding the Floating Debt of San Francisco and for the Extinguishment thereof, was taken from the table.

Amended, considered engrossed.

Read third time and passed.

Mr. Meredith, Chairman, made the following report:

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled An Act to authorize the County of Sacramento to fund the outstanding Warrants drawn against the Court House and Jail Fund of the County.

MEREDITH,

Chairman.

On motion of Mr. Ryland, Assembly bill No. 23, An Act concerning Estrays, was made the special order for Wednesday next, at 11 o'clock, A. M.

On motion, the House then adjourned.

IN ASSEMBLY.

SATURDAY, March 3, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called and the following members were absent:

Messrs. Arrington, Bates, Cammet, Chase, Curtis, Doughty, Flournoy, Ferguson and Taylor.

On motion, Mr. Arrington was granted leave of absence for two days.

Journal of yesterday was read and approved.

Mr. Gober presented a petition from members of the Grand Division of the Sons of Temperance, praying for the enactment of a prohibitory liquor law.

Read and referred to Committee on Vice and Immorality.

Mr. Speaker presented a petition from citizens of Santa Cruz, praying for the enactment of a prohibitory liquor law.

Read and referred to Committee on Vice and Immorality.

Mr. Quinn presented a petition from citizens of Tuolumne county, praying for the enactment of a prohibitory liquor law.

Read and referred to same Committee.

Mr. Moreland presented a petition from citizens of Yankee Jim's, Placer county, praying for the enactment of a prohibitory liquor law.

Read and referred to same Committee.

Mr. Geller presented a petition from S. M. Mills, praying for relief.

Read and referred to Committee on Claims.

Mr. Clayton introduced a bill for An Act to prohibit all Persons of Foreign Birth, not eligible to Citizenship, from working or occupying the Mines in this State.

Read first and second time and referred to select Committee of seven—Messrs. Clayton, Keys, Adkison, Stevens, Andrews, McCurdy and Bogardus.

Mr. Keys introduced a bill for An Act to prevent Foreigners that are not eligible to Citizenship from working in the Gold Mines of this State.

Read first and second time and referred to same Committee.

Mr. Johnson, of El Dorado, introduced a bill for An Act supplementary to an Act defining the Time for commencing Civil Actions in certain cases, passed May 4th, 1852

Read first and second time and Referred to Judiciary Committee.

Mr. Wells introduced a bill for An Act to amend the twenty-first section of an Act entitled An Act to provide for the Formation of Corporations for certain purposes, passed April 14th, 1853.

Read first and second time and referred to Committee on Mines and Mining Interests.

Mr. Hunt introduced a bill to authorize ——— to construct a Wagon Road from Santa Barbara to Stockton, via. Los Angeles and Tejon Pass.

Read first and second time and referred to Committee on Roads and Highways.

Mr. Hosmer introduced a bill for An Act to provide for the Election of County Auditor for San Francisco.

Read first and second time and referred to San Francisco delegation.

Mr. Sherrard introduced a bill for An Act granting to Dr. John B. Smith and his Associates the right to construct a Wire Suspension Bridge across the Feather River, above the junction of the Yuba River.

Read first and second time, and referred to the Yuba, Sutter and Butte county delegations.

Mr. Edwards introduced a bill for An Act authorizing the payment of the Rent of the Court House in Sacramento County.

Read first and second time and referred to Sacramento delegation.

Mr. Douglas gave notice that on Monday he would move to amend the first standing rule so as to make it read as follows :

'The House shall meet, each day of sitting, at ten o'clock A. M. and seven o'clock P. M., unless the House shall adjourn to some other hour.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed, yesterday, Senate bill No. 39, entitled An Act amendatory of and supplementary to an Act entitled An Act concerning Escheated Estates, passed May 4, 1852.

Also, that they passed Assembly bill No. 42, entitled An Act to create a Board of Supervisors for Alameda County, with an amendment, in which the concurrence of the Assembly is respectfully requested.

Also, that they passed Assembly bill No. 66, entitled An Act granting to Edward De Witt and others the right to construct a Toll Bridge across the

Klamath River, with amendments, in which the concurrence of the Assembly is respectfully requested.

WM. A. CORNWALL,
Secretary of Senate.

Assembly bill No. 42, An Act to create a Board of Supervisors for Alameda County.

Senate amendments concurred in.

Senate bill No. 39, An Act amendatory of and supplementary to an Act entitled An Act concerning Escheated Estates, passed May 4th, 1852.

Read first and second time and referred to Committee on Escheated Estates.

Assembly bill No. 66, An Act granting to Edward De Witt and others the right to construct a Toll Bridge across the Klamath River.

Senate amendments concurred in.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker :

The Committee on the Judiciary report that they have had under consideration Assembly bill No. 198, entitled An Act to amend an Act to regulate Proceedings in Criminal Cases, passed May 1st, 1851, and also Assembly bill No. 200, entitled An Act to amend an Act concerning District Attorneys, passed April 29, 1851, and instruct me to say that a bill, embodying substantially the same provisions, has been already indefinitely postponed in this House, and that they recommend the same disposition of these.

Respectfully submitted,

P. L. EDWARDS,
Chairman.

Adopted.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker :

The Committee on the Judiciary have considered Assembly bill No. 165, entitled An Act to amend the fortieth and forty-second Sections of an Act entitled An Act concerning Crimes and Punishments, passed April 16, 1850, and recommend its passage without amendment.

P. L. EDWARDS,
Chairman.

Assembly bill No. 165, An Act to amend the fortieth and forty-second Sections of an Act entitled An Act concerning Crimes and Punishments, passed April 16th, 1850, above reported.

Amended and laid on the table.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker :

The Judiciary Committee have considered Assembly bill No. 182, entitled

An Act to amend an Act amendatory of an Act passed May, 15, 1854, entitled An Act to amend an Act entitled An Act to regulate Proceedings in Criminal Cases, passed May 1, 1851, and report the same, with an amendment, and recommend its passage.

P. L. EDWARDS,
Chairman.

Assembly bill No. 182, above reported.

Committee amendments concurred in and bill ordered engrossed.

Mr. Oxley introduced a bill for An Act to prohibit all Foreigners not eligible to Citizenship from holding Claims or working in the Mines of California.

Read first and second time and referred to the select Committee of seven to whom the bills introduced by Messrs. Keys and Clayton were referred.

Mr. Douglas, Chairman, made the following report :

Mr. Speaker :

The Committee of Ways and Means, to whom was referred Senate bill No. 3, entitled An Act concerning the Office of Treasurer of State, have had the same under consideration, report it back with two amendments, after their adoption respectfully recommend the passage of the bill.

DOUGLAS,
Chairman.

Senate bill No. 3, reported above.

Committee amendments adopted.

Read third time and passed.

Mr. Douglas, Chairman, made the following report :

Mr. Speaker :

The Committee of Ways and Means, to whom was referred Senate bill No. 6, An Act for the Relief of J. F. Hayes, report it back and recommend that it be referred to the Committee on Claims.

DOUGLAS,
Chairman.

Adopted.

Mr. Douglas, Chairman, made the following report :

Mr. Speaker :

The Committee of Ways and Means, to whom was referred Assembly bill No. 175, have had the same under consideration, report it back without amendment and respectfully ask its passage.

DOUGLAS,
Chairman.

Assembly bill No. 175, An Act to amend an Act entitled An Act concerning the Office of State Treasurer, passed January 24, 1850.

Considered engrossed.

Read third time and passed.

Mr. Murdock made the following report :

Mr. Speaker :

The Committee of Ways and Means, to whom was referred the Governor's message relative to the Indian War Debt, having considered the same, would respectfully beg leave to report and submit the accompanying resolution :

MURDOCK,
Chairman.

Resolved, That the message of the Governor, under date of the 26th of February, relative to the Indian War Debt, is entitled to particular consideration, and that the subject requires immediate action, inasmuch as the Committee are of the opinion that an agent should be dispatched immediately, with the necessary vouchers and sufficient authority to settle the account with the department at Washington ; and also that an Act should be passed, prescribing the manner of redeeming the outstanding war bonds of this State.

The House adopted the report.

Mr. Ferrell, Chairman, made the following report :

Mr. Speaker :

A majority of the Committee on Escheated Estates, to whom was referred Senate bill No. 38, being An Act to provide for the Prosecution of Escheated Estates, have had the same under consideration, and instruct me to report the same back to the House, without amendment, and recommend its passage.

FERRELL,
Chairman.

Senate bill No. 38, reported above.

House resolved itself into Committee of the Whole, Mr. Burke in the chair, to consider the bill.

Committee rose, reported progress and were discharged.

Mr. Kinney moved to lay the bill on the table.

Not agreed to.

Mr. Ashley moved the previous question.

Sustained.

Messrs. Ashley, Watkins and Jones demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Ashley, Adkison, Baker, Beatty, Brewton, Brown of Nevada, Chase, Clayton, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Douglas, Edwards, Farwell, Ferrell, Flournoy, Foster, Gaver, Gay lord, Geller, Gober, Gragg, Hunt, Johnson of El Dorado, Johnston of San Francisco, Keys, Knox, Lincoln, McCurdy, Mellus, Meredith, Murdock, Oxley,

Palmer, Phelps, Rowe, Ryland, Stevens, Sherrard, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Updegraff, Watkins, Waite, Wells, Whitney, Mr. Speaker—52.

Those who voted in the negative were—

NOES.

Messrs. Bogardus, Brown of Contra Costa, Cory, Coombs, Dana, Jones, Kinney, McCutchan, Moreland, Quinn, Stevenson, Vineyard—12.

So the bill passed.

Mr. Ashley moved to reconsider the vote just taken.
The motion to reconsider was lost.

Mr. Moreland, Chairman, made the following report :

Mr. Speaker :

The Committee on Engrossments have examined and find correctly engrossed An Act authorizing the Commissioners of the Funded Debt of the County of Tuolumne to re-issue certain bonds to John W. Dwinell.

Also, An Act to establish District School Libraries.

Also, An Act for the Protection of Rural Cemeteries.

Also, An Act concerning the Collection of Taxes in the County of Marin.

Also, An Act proposing to the Seventh Legislature an Amendment to the Constitution of the State of California.

Also, An Act supplementary to an Act to provide for the permanent Location of the Seat of Government of the State of California

Also, An Act fixing the Time of holding the several Courts authorized to be held by the County Judge of the County of Tuolumne.

Also, An Act concerning Lawful Fences.

Also, An Act to amend an Act concerning Crimes and Punishments.

Also, An Act to provide for funding the Floating Debt of the City of San Francisco, and for the Extinguishment thereof.

MORELAND,

Chairman.

Assembly bill No. 179, above reported, An Act proposing to the Seventh Legislature an Amendment to the Constitution of the State of California.

Read third time.

The bill being a proposed amendment to the Constitution, the ayes and noes were called on its passage, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Ashley, Adkison, Baker, Beatty, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Cory, Clayton, Coombs, Cook, Covarrubias, Dana, Douglas, Edwards, Gaylord, Gober, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, McCurdy, Mellus, Murdock, Oxley, Palmer, Phelps, Rowe, Ryland, Sherrard, Updegraff, Vineyard, Watkins, Wells, Whitney, Mr. Speaker—45.

Those who voted in the negative were—

NOES.

Messrs. Cunningham of Sierra, Farwell, Foster, Hunt, Stevenson, Smith of Marin—6.

Mr. Johnston, of San Francisco, moved a reconsideration of the vote just taken, upon which,

Messrs. Johnston of San Francisco, Oxley and Buffum demanded the ayes and noes.

Mr. Smith of Marin moved to lay the motion on the table, upon which,

Messrs. Johnston of San Francisco, Brown of Nevada, and Cook demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES

Messrs. Amyx, Beatty, Burke, Chase, Coombs, Cunningham of Sierra, Edwards, Farwell, Foster, Hunt, Murdock, Palmer, Rowe, Stevenson, Singley, Smith of Marin, Stewart, Taliaferro, Vineyard—20.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Adkison, Baker, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Cory, Clayton, Cook, Covarrubias, Cunningham of El Dorado, Dana, Douglas, Ferrell, Flournoy, Gaylord, Geller, Gober, Gragg, Hosmer, Johnston of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, McCurdy, Mellus, Oxley, Phelps, Quinn, Ryland, Sherrard, Updegraff, Watkins, Wells, Whitney, Mr. Speaker—40.

Mr. Taliferro moved the previous question.

Sustained.

The question then recurred on the motion of Mr. Johnston of San Francisco.

The House refused to reconsider by the following vote :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Beatty, Bogardus, Brewton, Buffum, Chase, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Edwards, Ferrell, Foster, Geller, Hunt, McCutchan, Meredith, Murdock, Palmer, Rowe, Stevens, Stevenson, Singley, Smith of Marin, Stewart, Vineyard—26.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Adkison, Baker, Brown of Nevada, Burke, Cory,

Clayton, Cook, Douglas, Gaylord, Gober, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCurdy, Mel-lus, Moreland, Oxley, Phelps, Quinn, Ryland, Sherrard, Smith of El Dorado, Taliaferro, Updegraff, Watkins, Waite, Wells, Whitney, Mr. Speaker—37.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker:

The Joint Committee on Enrollment have examined and find correctly enrolled An Act concerning the Collection of Taxes now due in the County of San Francisco.

Also, An Act to create a Board of Supervisors for Contra Costa County, and to define their Duties and Powers.

H. B. MEREDITH,

Chairman.

On motion of Mr. Gober, the House resolved itself into Committee of the Whole, on the special order of the day.

Assembly bill No 65, An Act to provide for taking the Second Census, in 1855, and for taking the Census thereafter.

The Committee adopted various amendments, rose, reported progress and were discharged.

The House concurred in Committee amendments, except the amendments to the eighth section for which Mr. Hunt offered a substitute, which was adopted, and the bill ordered engrossed.

On motion, the House adjourned.

IN ASSEMBLY.

MONDAY, March 5, 1855.

House met pursuant to adjournment.

The Speaker being absent, the House was called to order by the Clerk.

On motion, Mr. Kinney was called to the chair.

Roll called and the following members were absent:

Messrs Cammet, Coombs, Covarrubias, Doughty, Farwell, Flournoy, Ferguson, Gragg, Hosmer, Johnston of San Francisco, Rodgers, Rowe, Stewart, Taylor, and Mr. Speaker.

On motion, Messrs Coombs, Covarrubias, Farwell, Flournoy, Gragg, Johnston of San Francisco, and Rowe, were granted leave of absence for one day, and Messrs. Ferguson and Speaker were granted leave of absence for two days.

The Journal of yesterday was read and approved.

On motion of Mr. Keys, the regular order of business was passed over, and reports of Committees called, commencing where the House left off on Saturday.

Mr. Gober, from the Committee on Claims, made the following report:

Mr. Speaker :

A majority of the Committee, to whom was referred Assembly bill No. 153, report the same back, and recommend its passage.

GOBER,
Of Committee.

Mr. Stevenson, from same Committee, made the following minority report :

Mr. Speaker :

A minority of the Committee on Claims, to whom was referred the claim of Edward Wheeler, praying for relief and payment by the State for certain property destroyed by certain escaped convicts, beg leave to report : That the said minority cannot recommend the passage of the bill framed by the majority of said Committee, and presented to this House. Said minority is not clearly convinced that the State is the proper party to pay for said property alleged to have been destroyed, or for such other abuses as were perpetrated by said convicts ; and your Committee would also state, that no correct or definite evidence has been produced to said Committee, proving conclusively the amount of property destroyed, or the amount of clothing or jewelry stolen from said claimant, but the aggregate amount is stated at five thousand dollars. In view of these facts, the minority beg leave to differ with the majority of said Committee, and recommend that the bill be indefinitely postponed.

E. A. STEVENSON,
Of Committee.

Assembly bill No. 153, above reported, An Act for the relief of Edward Wheeler: Mr. Ryland moved to lay the bill and reports on the table.
Not agreed to.

Mr. Johnson, of El Dorado, moved the indefinite postponement of the bill.

On motion, the House resolved itself into Committee of the Whole, Mr. Taliaferro in the chair, to consider the bill.

Committee rose, reported progress, and were discharged

On motion of Mr. Bufum, the reports and bill were laid on the table.

Mr. Gober, Chairman, verbally reported Assembly bill No. 140, An Act for the relief of H. B. & C. E. Paine.

On motion of Mr. Smith, of Marin, the bill was laid on the table, for the purpose of taking up special order for this day

Assembly bill No. 18, An Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same.

On motion, the House resolved itself into Committee of the Whole, Mr. Wells in the chair, to take into consideration the bill.

The Committee rose, reported progress, and were discharged.

The House concurred in Committee amendments, the bill was further amended, and ordered engrossed.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment presented to Governor Bigler, for his approval, on Friday, the 2d instant, An Act to authorize the County of Sacramento to fund the outstanding Warrants drawn against the Court House and Jail fund of the county.

Also, on Saturday the 3d inst., An Act concerning the collection of Taxes now due in the County of San Francisco. Also,

An Act to create a Board of Supervisors for the County of Contra Costa, and to define their duties and powers.

MEREDITH,

Chairman.

March 5, 1855.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment have examined, and find correctly enrolled—
An Act to create a Board of Supervisors for Alameda County.

MEREDITH,

Chairman.

Mr. Mellus, Chairman, verbally reported Assembly bill No. 137, An Act for the relief of persons therein named.

On motion, House resolved itself into Committee of the Whole, Mr. Edwards in the chair, to consider Assembly bill No. 137.

Committee rose, reported without recommendation, and were discharged.

Mr. Oxley moved the bill be made the special order for Thursday next.

Mr. Wells moved the previous question.

Sustained

The question then recurred on the motion of Mr. Oxley.

Not agreed to.

Messrs. Buffum, Ashley, and Oxley, then demanded the ayes and noes on the engrossment, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Brown of Nevada, Burke, Chase, Cunningham of Sierra, Dana, Douglas, Edwards, Ferrell, Foster, Galvin, Geller, Gobar, Kinney, McCutchan, Mellus, Meredith, Murdock, Oxley, Palmer, Phelps, Stevens, Sherrard, Smith of Marin, Taliaferro, Updegraff, Vineyard, Watkins, Waite, and Mr. Speaker—31.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Bates, Beatty, Bogardus, Brewton, Brown of Contra Costa, Buffum, Cory, Clayton, Cook, Curtis, Gaver, Johnson of El Dorado, Jones,

Keys, Knox, McConnell, McCurdy, Moreland, Quinn, Ryland, Stevenson, Singley, Smith of El Dorado, Wells, and Whitney—27.

So the bill was ordered engrossed

On motion of Mr. Oxley, message from the Senate was taken from the table.

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed yesterday Assembly bill entitled An Act to authorize the County of Sacramento to fund the outstanding Warrants drawn against the Court House and Jail Fund of the County, with the amendments made thereto by the Assembly.

Also, that they concurred in Assembly Concurrent Resolution requesting His Excellency the Governor to make a requisition upon the Secretary of War at Washington for a complete light Field Battery, for the use of this State.

Also, that they concurred in the amendment made by the Assembly to Senate bill, No. 80, entitled An Act to authorize Abraham G. Kensey to construct a Toll Bridge.

Also, that they concurred in the amendment made by the Assembly to the first section of Senate bill No. 5, entitled An Act in relation to the Contingent Expenses of the Legislature. and that they have concurred in the amendment made by the Assembly to the second section of said bill.

Also, that they passed Assembly bill No. 104, entitled An Act extending the provisions of an Act entitled an Act giving the consent of the Legislature of the State of California to the purchase, by the United States, of land within this State for public purposes; to the grant heretofore made by Thomas O. Larkin and wife, Robert Semple and wife, and Bethuel Phelps, to the United States, of certain land adjoining the city of Benicia, with an amendment, in which the concurrence of the Assembly is respectfully requested.

WM. A. CORNWALL,
Secretary of Senate.

March 1, 1855.

Senate bill No. 71, An Act to reincorporate the City of Sonora.

Read first and second time, and referred to Tuolumne delegation.

Assembly bill No. 172, An Act concerning the collection of Taxes in the County of Marin.

Read third time, and passed.

Assembly Bill No. 180, An Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Tuolumne.

Read third time, and passed.

Assembly bill No 122, An Act to establish District School Libraries, was recommended to Committee on Education.

Assembly bill No. 152, An Act for the protection of Rural Cemeteries.

Read third time, and laid upon the table.

Assembly bill No. 191, An Act authorizing the Commissioners of the Funded Debt of the County of Tuolumne to re-issue certain bonds to John W. Dwinelle.

Read third time, and passed.

Mr. Keys introduced the following resolution :

Resolved, by the Assembly, the Senate concurring, That a Joint Committee of two, consisting of the Chairman of the Committee on Hospitals of the Senate, and

the Chairman of the Committee on Hospitals of the House, be, and they are hereby, appointed to visit the Insane Asylum at Stockton, and report upon the same.

Adopted.

Mr. Gober introduced the following resolution :

Resolved, That the resolution authorizing the Door Keeper of this House to employ an assistant temporarily, be, and the same is hereby, rescinded.

Adopted.

Mr. Keys introduced the following resolution :

Resolved, That a Select Committee of ten be appointed and instructed to report a substitute to the Act passed May 18, 1853, entitled An Act to apportion the Senatorial and Assembly Districts of this State, for the purpose of reducing the number of Senators to not more than twenty-three, or less than twenty, and the number of the Assembly to not less than forty or more than forty-five.

On motion of Mr. Beatty, the resolution was laid on the table.

On motion of Mr. Quinn, the House adjourned.

IN ASSEMBLY.

TUESDAY, March 6, 1855.

House met pursuant to adjournment.

Mr. Kinney in the chair.

Roll called, and the following members were absent:

Messrs Doughty, Farley, Farwell, Flournoy, Gragg, Hosmer, Rowe, Stevens, Stewart, and Taylor.

On motion of Mr. Updegraff, Mr. Price, Door Keeper, was granted leave of absence three days, and Mr. Houx authorized to act in his place.

Journal of yesterday was read and approved.

Mr. Gaylord verbally reported Assembly bill No. 211, An Act to authorize the construction of a Wagon Road from San Bernardino to Stockton, via Los Angeles and Tejon Pass.

Referred to Committee on Internal Improvements.

Mr. Amyx, from Select Committee, made the following report :

Mr. Speaker :

The Select Committee, to whom was referred Senate bill No. 71, An Act to re-incorporate the City of Sonora, have had the same under consideration, and ask leave to report the same back to the House without amendment, and respectfully recommend its passage.

AMYX,
Of Committee.

Senate bill No. 71, reported above, was read third time, and passed.

Mr. Covarrubias, Chairman, made the following report:

Mr. Speaker :

The delegations, consisting of the members from San Luis Obispo, Monterey, Santa Barbara, and Tulare, to whom was referred a bill entitled An Act to provide for the erection of a Jail in the County of San Luis Obispo, have had the same under consideration, and have directed me to report it back without amendment, and to recommend its passage.

COVARRUBIAS,
Chairman.

Assembly bill No. 186, above reported—An Act to provide for the erection of a Jail in the County of San Luis Obispo.

Considered engrossed, read third time, and passed.

Mr. Moreland, Chairman, made the following report:

Mr. Speaker :

The Committee, to whom was referred Assembly bill No. 196, have had the same under consideration, and beg leave to report the same, with amendments, and recommend its passage.

MORELAND,
Chairman.

Assembly bill No. 196, above reported—An Act giving certain powers to the County of Placer—Committee amendments concurred in.

The bill was considered engrossed, read third time, and passed.

Mr. Geller, Chairman, made the following report :

Mr. Speaker:

The Select Committee to whom was referred a substitute for Assembly bill 38, An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 15, 1854, have had the same under consideration, and a majority of the Committee instruct me to report the same back with two amendments, and respectfully recommend their adoption, and the passage of the bill.

GELLER,
Chairman.

First amendment: In the Tenth Judicial District, strike out the Counties of Yuba and Sutter, and insert the Counties of Sierra and Nevada; so as to read, the Tenth Judicial District shall be composed of the Counties of Sierra and Nevada.

Second amendment. In the Fourteenth District, strike out Sierra and Nevada Counties, and insert the Counties of Yuba and Sierra; so as to read, the Fourteenth District shall be composed of the Counties of Yuba and Sutter.

Mr. Waite, from the same Committee, made the following minority report:

Mr. Speaker:

The undersigned, delegates from the Counties of Sierra and Nevada, forming, in connection with the delegates from Yuba and Sutter, a committee to whom was referred the bill proposed by the Judiciary Committee, as a substitute for several bills for a change in Judicial Districts, and for the formation of new ones, recommend the passage of the substitute of the Judiciary Committee.

An unfortunate difference of opinion exists between the undersigned and the delegates from Yuba and Sutter, as to which portion is entitled to become the new district, in case the Tenth District is divided. The reasons which are here set forth are, to the minds of the undersigned, conclusive, and on those reasons is based the justice of the recommendation above made.

First, Yuba and Sutter being the parent counties, oldest in point of population and politically,—District Courts having held sessions in Marysville before the mountain counties, which we have the honor to represent, were ever thought of,—should remain the old district, while, on the other hand, Nevada and Sierra, which are offshoots of Yuba, new counties filled with a new population, not one half of the present resident voters having ever taken any part in the election of the present Judge of the Tenth District, should, of right, form the new district.

And secondly, The present Judge of the Tenth District is not a resident of either of the counties we represent, and should not be compelled to remove to another county at the caprice of his neighbors; or, should he wish to remove, we seriously object to the precedent of allowing a Judge, when a district is divided, to choose the portion having the least litigation.

Respectfully submitted.

E. G. WAITE,
J. PHELPS,
E. H. GAYLORD,
A. C. CUNNINGHAM.

Substitute for Assembly bill No. 38—House refused to concur in Committee amendments.

On motion of Mr. Buffum, the bill was laid on the table.

Mr. Moreland, Chairman, made a report from Committee on Engrossment, which, with the accompanying bills, was laid on the table.

On motion, the House resolved itself into Committee of the Whole, Mr. Buffum in the chair, to consider the special order of the day, Assembly bill No. 1, An Act to regulate Fees in Office.

Committee considered, amended, rose, reported, recommended, and were discharged.

House concurred in Committee amendments.

Mr. Edwards moved to lay on the table.

Not agreed to.

Mr. Waite moved to re-commit to the delegations from the counties excepted in the proviso to the first section.

Not agreed to.

On motion of Mr. Ryland, the bill was ordered engrossed.

On motion of Mr. Dana, Assembly bill No 36, An Act to regulate Fees in Office for the County of San Francisco, was made the special order for to-morrow, at 12 o'clock, M.

Mr. Burke introduced a resolution relative to appointing an official Reporter for the Assembly.

Laid on the table.

On motion of Mr. Waite, House adjourned.

IN ASSEMBLY.

WEDNESDAY, March 7, 1855.

House met pursuant to adjournment.

Speaker in the chair.

Roll called and the following members were absent:

Messrs. Chase, Covarrubias, Gaver, Rowe, and Smith of Marin.

Mr. Gober presented a petition from citizens of Georgetown, El Dorado county, praying for the enactment of a law to close houses of business on Sunday.

Read and referred to Committee on Vice and Immorality.

Mr. Moreland presented a petition from citizens of Michigan City, Placer county, praying for a Prohibitory Liquor Law.

Read, and referred to same committee.

Mr. Johnson, of El Dorado, presented a petition from citizens of Sacramento county, asking for a Prohibitory Liquor Law.

Read, and referred to same committee.

Mr. Curtis presented a petition from citizens of Yreka, Siskiyou county, praying for An Act to suppress Chinese immigration to this State.

Read, and referred to Select Committee.

Mr. McConnell presented a petition from citizens of Cold Springs, El Dorado county, praying for An Act to close business houses on Sunday.

Read, and referred to Committee on Vice and Immorality.

Mr. Phelps presented a petition from citizens of Cherokee, Nevada county, praying for a Prohibitory Liquor Law.

Read, and referred to same committee.

Mr. Taylor presented a petition from the Officers of the San Francisco Orphan Asylum, praying for an appropriation to relieve the institution.

Read, and referred to Select Committee of three—Messrs. Taylor, Cook, and Gaver.

Mr. Cammet introduced a bill for An Act authorizing the construction of a Bridge across Mission Creek.

Read first and second time, and referred to Select Committee of five—Messrs. Cammet, Ryland, Whitney, Smith of Marin, and Ashley.

Mr. Buffum introduced a bill for An Act amendatory of an Act concerning County Recorders, passed March 26, 1851.

Read first and second time, and referred to San Francisco delegation.

Mr. Bates introduced a bill for An Act to fix the compensation of District Attorneys for the several counties of this State.

Read first and second time, and referred to Judiciary Committee, and the usual number of copies ordered printed.

Mr. Rodgers introduced a bill for An Act to amend an Act entitled an Act for the relief of Insolvent Debtors and protection of Creditors, passed May 4, 1852.

Read first and second time, and referred to Judiciary Committee.

Mr. Cunningham, of Sierra, introduced a bill for An Act to amend an Act entitled an Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, passed May 17, 1853.

Read first and second time, and referred to the delegations from Tulare, Napa, Sonoma, Colusa, Marin, Santa Clara, Humboldt, and Sierra counties.

Mr. Keys introduced a bill for An Act concerning Attachments where the People of the State are plaintiffs.

Read first and second time, and referred to Judiciary Committee.

Mr. Wells introduced a bill for An Act confirming to the Bidwell Bridge Company the right and license granted to said company by the District Court in and for Butte county, to construct a Wire Suspension Bridge across Feather river at Bidwell, in Butte county, California.

Read first and second time, and referred to Committee on Roads and Highways.

Mr. Bogardus introduced a bill for An Act to amend an Act entitled an Act to exempt the Homestead and other property from forced sale in certain cases, passed April 21, 1851.

Read first and second time, and referred to Judiciary Committee.

Mr. Stevenson introduced a bill for An Act to regulate Fees in Office in the Counties of El Dorado, Tuolumne, Placer, and Calaveras.

Read first and second time, and referred to El Dorado, Tuolumne, Placer, and Calaveras delegations.

Mr. Ashley introduced a bill for An Act to create Pajaro County.

Read first and second time, and referred to Committee on County and County Boundaries

Mr. Edwards introduced a bill for An Act concerning Contracts and Promises.

Read first and second time, and referred to Judiciary Committee.

Mr. Amyx introduced a bill for An Act amendatory of Section Fourteen of an Act to establish an Asylum for the Insane of the State of California, passed May 17, 1853.

Read first and second time, and referred to Committee on Hospitals.

Mr. Sherrard gave notice that he would introduce a bill for An Act authorising the Board of Supervisors in and for the County of Sutter, to levy a Special Tax for the erection of Public Buildings in said county

Mr. Amyx gave notice that he would introduce a bill concerning Brokers and Bankers, more particularly defining their liabilities and privileges.

Mr. Ryland, from Judiciary Committee, made the following report :

Mr. Speaker :

The Committee, to whom were referred Assembly bills Nos. 171 and 173, for Acts amendatory of An Act to regulate Proceedings in Civil Cases in Courts of

Justice of this State, passed April 29, 1851, having considered the same, beg leave to report back a substitute, and recommend its passage.

RYLAND,

Of Committee.

Substitute for Assembly bills Nos. 171 and 173, above reported, was adopted, ordered printed, and the bill laid on the table.

On motion, Assembly bill No. 192, An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers,

Was taken from the table, read third time, and passed.

Mr. Gober, Chairman, verbally reported Assembly bill No. 122, An Act to establish District School Libraries.

Committee amendments adopted, and the bill was read third time.

Messrs. Buffum, Burke, and Stevenson, demanded the ayes and noes on its passage, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Ashley, Adkison, Bates, Brewton, Brown of Contra Costa, Cory, Cook, Curtis, Dana, Farwell, Gaylord, Gober, Graves, Hosmer, Jones, Keys, McCurdy, Meredith, Murdock, Oxley, Palmer, Phelps, Rodgers, Rowe, Ryland, Stevens, Smith of El Dorado, Smith of Marin, Taylor, Updegraff, Vineyard, Waite, Whitney, and Mr. Speaker—36.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Baker, Beatty, Bogardus, Brown of Nevada, Buffum, Burke, Cammet, Chase, Clayton, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Flournoy, Foster, Ferguson, Geller, Gragg, Hunt, Johnson of El Dorado, Lincoln, McConnell, Mellus, Moreland, Quinn, Stevenson, Sherrard, Singley, Taliaferro, Watkins, Wells—33.

So the bill was passed.

Mr. Johnston, of San Francisco, gave notice that he would, on to-morrow, move to re-consider the vote just taken.

On motion, the House resolved itself into Committee of the Whole, Mr. Buffum in the chair, to take into consideration Assembly bill No. 36, An Act regulating Fees in Office.

Committee rose, reported the bill back to the House, and were discharged.

On motion, the bill was referred to San Francisco delegation, with instructions to report to-morrow.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly, that the Senate passed, yesterday, Senate bill No. 71, entitled An Act to re-incorporate the city of Sonora.

Also, that they passed Assembly bill No. 159, entitled An Act supplementary to an Act passed May 15, 1854, entitled an Act to fund the Debt of Mariposa county, and provide for the payment of the same.

Also, that they passed Senate bill No. 96, entitled An Act to provide J. G. Stebbins with duplicate Warrants, in lieu of certain Warrants lost or destroyed.

Also, that they passed Senate bill No. 81, entitled An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the civil expenses of the government, and accruing prior to the first day of February, 1855.

WM. A. CORNWALL,

Secretary of Senate.

March 3, 1855.

Senate bill No. 96, An Act to provide J. G. Stebbins with duplicate Warrants, in lieu of certain Warrants lost or destroyed.

Read first and second time, and referred to Committee on Claims.

Senate bill No. 81, An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the civil expenses of government accruing prior to the first day of February, 1855.

Read first and second time, and referred to Committee on Ways and Means.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, on the 3d instant, Senate bill No. 77, entitled An Act appropriating money for the payment of Frank Denver, for services rendered in making repairs on State Capitol.

Also, that they passed Senate bill No. 99, entitled An Act to create the County of Merced, to define its boundaries, and provide for its organization.

WM. A. CORNWALL,

Secretary of Senate.

March 5, 1855.

Senate bill No. 77, An Act appropriating money for the payment of Frank Denver, for services rendered in making repairs on State Capitol.

Was read first and second time, and referred to the Committee on Accounts and Expenditures.

Senate bill No. 99, An Act to create the County of Merced, to define its boundaries, and provide for its organization.

Read the first and second time, and referred to the Committee on County and County Boundaries.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, yesterday, a Concurrent Resolution, directing the appointment of a Joint Committee of two from the Senate and two from the Assembly, to report the number and pay of the Clerks and Attaches of the present Legislature.

Also, that they passed Senate bill No. 60, entitled An Act to suppress Houses of Ill Fame.

Also, that they passed Senate bill No. 75, entitled An Act appropriating money to pay Louis Bartlett for services rendered the State.

WM. A. CORNWALL,

Secretary Senate.

March 6, 1855.

Senate Concurrent Resolution, that a Committee of two of the Senate and two of the Assembly be appointed, to inquire and report to the two Houses as to the number and pay of Clerks and Attaches employed by the present Legislature.

Adopted, and Messrs. Douglas and Flournoy were appointed the Committee on the part of the Assembly.

Senate bill No. 60, An Act to suppress Houses of Ill Fame.

Read first and second time, and referred to Committee on Vice and Immorality.

Senate bill No. 75, An Act appropriating money to pay Louis Bartlett for services rendered the State.

Read first and second time, and referred to the Committee on Claims.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly, that the Senate passed, yesterday, Senate bill No. 73, entitled An Act to provide for the erection of a County Jail, and certain Bridges in the County of Sonoma.

Also, that they passed Assembly bill No. 90, entitled An Act supplementary to an Act entitled an Act concerning County Recorders, passed March, 1851, with amendments, in which the concurrence of the Assembly is respectfully requested.

Also, that they passed Assembly bill No. 129, entitled An Act fixing the time of holding the several Courts authorized to be held by the County Judges in the Counties of Shasta, Santa Clara, and Monterey, with an amendment, in which the concurrence of the Assembly is respectfully requested.

Also, that they passed Assembly bill No. 147, entitled An Act to fix the time of holding the District Court in the Third Judicial District.

Also, that they passed Assembly bill No. 172, entitled An Act concerning the collection of Taxes in the County of Marin.

Also, that they concurred in Assembly Concurrent Resolution, directing the appointment of a Joint Select Committee to visit the Insane Asylum at Stockton.

Also, that they passed Senate bill No. 33, entitled An Act to regulate the settlement of the Estates of Deceased Persons.

WM. A. CORNWALL,

Secretary Senate.

March 7, 1855.

Senate bill No. 73, An Act to provide for the erection of a County Jail and certain Bridges in the County of Sonoma—

Read first, second, and third time, and passed

Assembly bill No. 90, An Act supplementary to an Act entitled an Act concerning County Recorders, passed March, 1851—

Senate amendments concurred in.

Assembly bill No. 121, An Act fixing the times of holding the Courts authorized to be held by the County Judges of Shasta, Santa Clara, and Monterey—

Senate amendments concurred in.

Senate bill No. 33, a bill to amend An Act to regulate the settlement of the estates of Deceased Persons—

Read first and second time, and referred to the Judiciary Committee.

Mr. Adkison verbally reported Assembly bill No. 210, An Act to amend the Twenty-first Section of an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed March 14, 1853, and recommended its passage.

The bill was considered engrossed, read third time, and passed.

Mr. Doughty, Chairman, made the following report :

Mr. Speaker :

The undersigned, members of the Committee on Public Lands, have had under consideration Assembly bill No. 94, An Act for the better protection of Settlers. They have found it exceedingly difficult to reconcile all opinions on a question which presents so many difficulties in the way of doing exact justice to all parties, as are found in the measure proposed; yet, as they are anxious to see this question, the source of so much vexation, set at rest, they are aware of no better method than to compromise the matter among the multitude of opinions which exist, and offer the accompanying substitute with that view, and respectfully beg leave to recommend its passage.

DOUGHTY,

Chairman.

Assembly bill No. 94, reported above—

Substitute was ordered printed, and made the special order for Tuesday next, at 12 M.

Mr. Hosmer, Chairman, made the following report :

Mr. Speaker :

The Committee on Elections, to whom was referred Assembly bill No. 24, herewith report a substitute for the same, and recommend its adoption.

HOSMER,

Chairman.

The substitute was adopted.

The House then resolved itself into Committee of the Whole, (Mr. Kinney in the Chair,) on the substitute.

The Committee reported it back to the House, with sundry amendments, rose, reported, and was discharged.

Committee amendments were adopted, and bill re-committed to San Francisco Delegation.

Mr. Hosmer verbally reported Assembly bill No. 187, An Act amendatory of an Act to regulate Elections, passed March 23, 1850, and recommended its passage.

Committee amendments adopted, and ordered engrossed.

Mr. Moreland, Chairman, made the following report :

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed, An Act to provide for taking the Second Census in 1855, and for taking the Census thereafter.

Also, An Act for the relief of persons therein named.

MORELAND,
Chairman.

Mr. Meredith, Chairman, made the following report:

Mr. Speaker :

The Committee on Enrollment presented to Governor Bigler, for his approval, yesterday, An Act to provide for a Board of Supervisors for the County of Alameda.

MEREDITH,
Chairman.

Mr. Farwell verbally reported Senate bill No. 2, An Act to fund the Indebtedness of the State, existing in the form of State Comptroller's warrants, drawn upon the Treasurer of State between the 30th day of June, A. D. 1853, and the 1st day of July, A. D. 1855, recommending its passage without amendment.

Mr. Watkins offered a substitute for the bill.

Adopted, considered engrossed, read third time, and passed.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment have examined, and find correctly enrolled, An Act concerning the collection of Taxes in the County of Marin.

MEREDITH,
Chairman.

Mr. Ryland offered the following resolution :

Resolved, That the Treasurer and Controller of State be, and they are hereby, requested to furnish this House with a detailed account of the receipts and expenditures of the State of California, from the 1st of July, 1854, up to the 1st of March, 1855.

Adopted

Mr. Clayton made the following report :

Mr. Speaker :

The Select Committee, to whom was referred the three bills introduced by Messrs. Clayton, Keys, and Oxley, to prohibit persons of foreign birth, who are not eligible to citizenship, from working in the mines in this State, have had

the same under consideration, and after a careful investigation of the subject in all its bearings, upon the labor and rights of our own people, and also upon the commercial interest of the State, a majority of your Committee are clearly of the opinion, that, to exclude them from the mines within a reasonable time, will be the best way to secure the object sought, and would do the least injury to our commercial interests.

We herewith report a substitute for the three bills named, and recommend its passage.

CLAYTON,

Chairman.

Substitute for Assembly bills Nos. 206, 207, and 208, above reported, was ordered printed.

On motion of Mr. Stevenson, House adjourned.

IN ASSEMBLY.

THURSDAY, March 8, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called and the following members were absent:

Messrs. Chase, Curtis, Farley, and Oxley.

On motion, Mr. Farley was granted indefinite leave of absence, and Mr. Rowe leave for three weeks.

Journal of yesterday was read and approved.

Mr. Ryland presented a remonstrance from citizens of Santa Clara county, relative to the county boundaries of the proposed new county of Pajara.

Read and referred to Committee on Counties and County Boundaries.

Mr. Gober presented a petition from citizens of Santa Clara county, relative to the formation of the County of Pajara.

Read, and referred to same Committee.

Mr. Gober presented a remonstrance in reference to same subject.

Read, and referred to same Committee.

Mr. Keys presented a petition from citizens of Stockton, praying for a Prohibitory Liquor Law.

Read, and referred to Committee on Vice and Immorality.

Mr. Moreland presented a petition from citizens of Placer county on same subject.

Read, and referred to same Committee.

Mr. Bogardus presented a petition from citizens of Garden Valley, El Dorado county, praying for An Act to prohibit Gambling.

Read, and referred to same Committee.

Mr. Burke presented a remonstrance from citizens of Mariposa county, relative to a division of the county.

Mr. Cunningham, of El Dorado, presented a petition from citizens of Mormon Island, El Dorado county, praying for a Prohibitory Liquor Law.

Read, and referred to Committee on Vice and Immorality.

Mr. Smith, of Marin, presented a report and petition from the Grand Jury of Marin county, relative to the State Prison.

Read, and referred to Select Committee on State Prison—Messrs. Kinney, Dana, Curtis, and Smith of Marin.

Mr. Johnston, of San Francisco, moved to reconsider the vote passed on yesterday—Assembly bill No. 122, An Act to establish District School Libraries. Agreed to.

On motion of Mr. Kinney, the bill was indefinitely postponed.

Mr. Murdock introduced a bill for An Act to authorize John Moore to construct a Bridge across Elk river.

Read first and second time, and referred to Committee on Internal Improvements.

Mr. Cammet introduced a bill for An Act concerning Apprentices.

Read first and second time, and referred to Judiciary Committee.

Mr. Jones introduced a bill for An Act amending an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.

Read first and second time, and referred to Committee on Ways and Means.

Mr. Moreland gave notice that he would introduce a bill to amend An Act entitled an Act concerning Divorces, passed March 25th, 1851

Mr. Dana gave notice that he would introduce a bill abolishing the office of State Gauger.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker :

The Committee on the Judiciary report that they have considered Assembly bill No. 204, entitled An Act to change the Time of holding the different Courts authorized to be held by the County Judge in the County of Yolo.

Also, the Assembly bill No. 209, entitled An Act supplemental to an Act defining the Time for commencing Civil Actions in certain cases, passed May 11th, 1852, and instruct me to recommend the passage of each, without amendment.

Respectfully submitted,

P. L. EDWARDS,
Chairman.

Assembly bills Nos. 204 and 209, reported above.
Ordered engrossed.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment presented to Governor Bigler, for his

approval, this day, An Act to provide for the Collection of Taxes for the County of Marin.

H. B. MEREDITH,
Chairman.

Mr. Keys, Chairman, made the following report:

Mr. Speaker :

The Committee on Mileage beg leave to report that the following named members of the Committee on Hospitals, to wit: Hosmer, Oxley, Geller and Bates, have visited the State Marine Hospital at San Francisco, and are entitled to \$112 each, for mileage.

KEYS,
Chairman.

Adopted.

Mr. Johnston, of San Francisco, verbally reported Assembly bill No. 36, An Act regulating Fees in Office.

House concurred in Committee amendments and the bill was ordered engrossed.

Mr. Meredith, from the Sacramento delegation, made the following report:

Mr. Speaker :

The Sacramento delegation have had under consideration Assembly bill No. 213, An Act to authorize the Payment of the Rent of the Court House in Sacramento County, and recommend its passage.

H. B. MEREDITH.

Assembly bill No 213, above reported.

Considered engrossed.

Read third time and passed.

Mr Hosmer, from San Francisco delegation, verbally reported Assembly bill No 149, An Act concerning the Records in the Office of the County Recorder of San Francisco County.

House concurred in Committee amendments and the bill was ordered engrossed.

Mr. Bogardus, from El Dorado delegation, made the following report:

Mr. Speaker :

The special Committee to whom was referred Assembly bill No. 227, have had the same under consideration and report the same back, with amendments, and recommend its passage.

BOGARDUS.

Assembly bill No. 227, An Act to regulate Fees in Office in the Counties of El Dorado, Tuolumne, Placer and Calaveras.

The House resolved itself into Committee of the Whole to consider the bill.

Committee rose, reported and were discharged.

House concurred in Committee amendments.

The bill was further amended.

On motion of Mr. Ashley, the bill was referred to a special Committee of three—Messrs. Ashley, Stevenson and Dana—with instructions to join the fee bills.

Ordered to be engrossed into one bill, by placing one after another, without other changes.

Mr. Bates moved that Senate bill No. 16, An Act to repeal an Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick of this State, be made the special order for Saturday next, at 12 o'clock, M, whereupon,

Messrs. Stevenson, Johnson and Andrews demanded the ayes and noes, which was agreed to by the following vote :

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Ashley, Adkison, Bates, Buffum, Chase, Clayton, Cook, Curtis, Douglas, Edwards, Flournoy, Gaylord, Geller, Graves, Gragg, Hosmer, Hunt, Kinney, Lincoln, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Ryland, Smith of El Dorado, Smith of Marin, Stewart, Updegraff, Waite, Wells, Whitney, Mr. Speaker—36.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Baker, Beatty, Bogardus, Brown of Nevada, Burke, Cammet, Cory, Coombs, Covarrubias, Cunningham of El Dorado, Doughty, Farwell, Ferrell, Gaver, Gober, Johnson of El Dorado, Johnston of San Francisco, Jones, Knox, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Taliaferro, Taylor, Watkins—30.

Mr. Moreland, Chairman, made the following report :

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed An Act giving certain Powers to the County of Placer.

MORELAND,

Chairman.

Mr. Taylor made the following report :

Mr. Speaker :

The San Francisco delegation, to whom was referred Assembly bill No. 217, report the same back to the House without amendment and recommend its passage.

TAYLOR,

Assembly bill No. 217, An Act amendatory of an Act concerning County Records, passed March 26, 1851.

Amended, considered engrossed, read third time and passed.

Mr. Stevenson moved to adjourn.

Lost.

Mr. Farwell, Chairman, made the following report :

Mr. Speaker :

The special Committee to whom was referred Assembly bill No. 73, for the Suppression of Gaming, have had the same under consideration and report back a substitute and recommend its passage.

FARWELL,
Chairman.

Assembly bill No. 73, reported above.

On motion of Mr. Wells, the bill and substitute were made the special order for Tuesday next, at 10 o'clock, P. M.

Mr. Stevenson moved to adjourn.

Messrs. Farwell, Ashley and Mellus demanded the ayes and noes, which was lost by the following vote :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Adkison, Beatty, Brewton, Buffum, Cory, Covarrubias, Cunningham of Sierra, Curtis, Foster, Ferguson, Gaver, Gragg, Johnson of El Dorado, Kinney, Knox, McConnell, Moreland, Oxley, Quinn, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Vineyard, Wells—29.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Baker, Bates, Brown of Nevada, Burke, Clayton, Coombs, Cook, Cunningham of El Dorado, Dana, Douglas, Doughty, Farley, Farwell, Ferrell, Gaylord, Geller, Gober, Graves, Hosmer, Hunt, Johnston of San Francisco, Jones, Lincoln, McCurdy, Mellus, Meredith, Murdock, Phelps, Ryland, Taylor, Updegraff, Watkins, Waite, Whitney, Mr. Speaker—39.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, }
Sacramento, March 6, 1855. }

To the Senate and Assembly of California :

On the 26th ultimo I transmitted to the Senate and Assembly a special message, in relation to the debt incurred by the State of California in the suppression of Indian hostilities, inviting the attention of the Legislature to the several Acts passed by the State on the subject, and also to the section of law passed by Congress, appropriating the sum of nine hundred and twenty-four thousand three hundred and fifty-nine dollars and sixty-five cents, to be applied in part payment of the same.

The section of law, although obtained from Washington city, appears to have been incorrectly copied, and differs materially from the law as passed and published by authority of Congress.

By reference to pages 582 and 583 of the "Statutes at Large," lately received, it will be perceived that the section numbered 3 (9) of the Act of Congress making appropriations for the support of the army, directs the Secretary of War "to examine into and ascertain the amount of expenses incurred and *now actually paid* by the State of California in the suppression of Indian hostilities."

The copy of the law, as received in manuscript from Washington, quoted in my communication of the 26th ult., reads "*actually and properly* paid by the State of California."

It will be seen that the difference is material and important. Under the section of law as published by authority of Congress, the Secretary of War is authorized and required to pay into the treasury of the State of California, the amount appropriated, as soon as he shall have "examined into and ascertained the amount *actually* paid by the State of California," and not the amount "*actually and properly* paid."

The subject being at this time under consideration in both Houses, it is deemed proper to point out the error, and invite your attention to the requirements of the section, as correctly published by authority of Congress.

JOHN BIGLER.

On motion of Mr. Flournoy, Assembly bill No. 100, An Act to create a Commissioner or Agent to proceed to Washington city and place before the Secretary of War the Accounts and Vouchers connected with the Indian War Debt of this State, was taken from the table, and,

On motion of Mr. Kinney, was again laid on the table.

The following messages were received from the Governor :

EXECUTIVE DEPARTMENT, }
Sacramento, March 8, 1855. }

To the Senate and Assembly of California :

In compliance with a concurrent resolution passed by the Senate and Assembly, and received by me on the sixth inst., I have this day addressed a letter to the Secretary of War, Washington city, requesting him to direct the Ordnance Officer at the Benicia Arsenal to deliver to the Quartermaster General of this State "a complete light field battery for the use of the State of California."

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }
Sacramento, March 8, 1855. }

To the Assembly of California :

I have this day approved an Act entitled An Act concerning the Collection of Taxes now due in the County of Marin.

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }
Sacramento, March 1, 1855. }

To the Assembly of California :

I have this day approved an Act which originated in the Assembly, entitled An Act to repeal the sixth and amend the thirteenth section of an Act entitled An Act to provide for funding the Debt of San Joaquin County.

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }
Sacramento, March 5, 1855. }

To the Assembly of California :

I have this day approved an Act entitled An Act concerning the Collection of Taxes now due in the County of San Francisco.

Also, an Act entitled An Act to authorize the County of Sacramento to fund the outstanding Warrants drawn against the Court House and Jail Fund of the County.

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }
Sacramento, March 1, 1855. }

To the Senate and Assembly of California :

I have the honor herewith to transmit to the Assembly a communication from the Surveyor General of the State of California, enclosing reports from the County Surveyors of the counties of Contra Costa and Tulare. Also, a communication from Dr. A. Fredonyer, of Sacramento, in relation to the topographical character of the country lying between the Sacramento and Humboldt rivers ; and also a report in relation to an examination made of the road between the city of Sacramento and the Mormon Station, in Carson Valley, by Major Case and others.

JOHN BIGLER.

The documents above communicated were, on motion, referred to the Committee on Internal Improvements.

EXECUTIVE DEPARTMENT, }
Sacramento, March 7, 1855. }

To the Assembly of California :

An Act entitled An Act to create a Board of Supervisors for the County of Contra Costa and to define their Duties and Powers, is herewith returned to the House in which it originated, without approval.

The Act herewith returned, not only designates persons to officiate as Commissioners in dividing the county into suitable Supervisor Districts, but also, and, as I believe, in contravention of the express letter of the Constitution, creates a Board of Supervisors, the members of which are named and appointed in the body of the Act itself.

The 5th section of article 11 of the Constitution reads as follows :

"The Legislature shall have power to *provide for the election of a Board of Supervisors in each County*; and these Supervisors shall, jointly, and individually, perform such duties as may be prescribed by law."

It will be observed that this section of the Constitution does not authorize the Legislature to *create, establish or appoint* a Board of Supervisors, but merely to "*provide for the election*" of such Board, in each of the several counties of the State, and prescribe their duties.

In this connection, it may be proper to remark that it is a well understood and settled rule of construction, that, where a power is granted to the Legislature, in express words, the exercise of that power is limited by a strict construction of the language authorizing it.

A case in point is furnished by a recent decision of the Supreme Court of our own State. The Court decides that the 8th section of article 6, which, in express terms, authorizes the Legislature to confer upon the "County Judge, with two Justices of the Peace, to be designated according to law," the power "to hold Courts of Sessions with such *criminal* jurisdiction as may be prescribed," cannot be construed as authorizing the Legislature to confer upon said courts *civil* jurisdiction.

It is equally clear that section 5, which, in express words, authorizes "the Legislature to provide for the election of a Board of Supervisors in each county," cannot be so construed as to authorize their selection in any other manner, or by any other power than the people.

It is, however, maintained by some, that the next or sixth section explains the meaning of the fifth, and by whom, section 6 is regarded as authorizing the Legislature to select or appoint Supervisors.

The section reads as follows :

"All officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct."

It is further contended by those who claim for the Legislature the power of appointing these officers, that a Board of Supervisors is composed of officers whose election is not "provided for by the Constitution," and whose "offices are created by law;" and therefore they come within the scope and meaning of section 6, and may therefore be "elected or appointed, as the Legislature may direct."

A careful examination of the Constitution has satisfied me that this interpretation of the section is neither correct nor consistent with other sections of that instrument, the intent and meaning of which cannot be misunderstood, and, in my opinion, establishes the fact that the office of Supervisor is "a constitutional office," or, in other words, is provided for by name in the Constitution, as are nearly all the other county offices, including Judges, Clerks, Sheriffs, Justices of the Peace, &c.

It will be seen, by reference to the Constitution, that in section 7 of article 6 almost the same language is used as in section 5 of article 11.

The section reads as follows :

"The Legislature shall provide for an election, by the people, of a Clerk of the Supreme Court and County Clerks, District Attorneys, Sheriffs, Coroners and other necessary officers, and shall fix, by law, their duties and compensation."

It will scarcely be pretended that under this section the Legislature has the power or the right to nominate or appoint any or all of these officers.

Section 14 of the same Article provides that "the Legislature shall determine the number of Justices of the Peace to be elected in each county," &c.

It has never, I believe, been contended that the Legislature has power to appoint or provide for the appointment of these officers. A careful examination of the various provisions of the Constitution relative to officers, has satisfied me that the Legislature has no power, under the section above recited, to select persons to compose the Board of Supervisors in the several counties, and that their election must be referred to the people themselves, who alone are directly interested.

It is obvious, too, that this course alone is consonant with the whole theory of our Government, and without reference to the question of right, under the Constitution, is the one best calculated to give that general satisfaction so necessary to render effectual wholesome legislation.

These Boards of Supervisors must necessarily be entrusted with the supervision of the affairs of the several counties, including the entire control of the internal monetary affairs of each.

It should also be remembered, in this connection, that the debts of the several counties, heretofore contracted by the Courts of Sessions, and all other acts done by their authority incurring liabilities, must be reviewed and passed upon by the Boards of Supervisors, and allowed or rejected, as they, in their discretion, may determine.

Not only, therefore, is it clearly in accordance with constitutional requirements, as well as proper and just, that the people themselves should have the right of electing Supervisors to review and pass upon all debts of the Courts of Sessions by which county indebtedness has been incurred, but it is also maintained that the Legislature cannot *directly*, by legislative enactment, or *indirectly*, by Supervisors of their own choosing, legalize the acts of the Courts of Sessions.

This truly delicate and important trust can only be confided to and legally discharged by Supervisors elected by the people themselves.

But there are other and serious objections to the Act herewith returned.

The Supervisors named in the Act, although authorized to sell and otherwise dispose of county property and to appropriate the proceeds, are not required to give bond for the faithful performance of the trust imposed.

In consideration of the powers granted to the Board and the interests committed to their care, it is scarcely necessary to say that this is an important omission, or to suggest that each member of the Board should be required to give a good and sufficient bond, in a specified sum, to be approved by the County Judge.

Every other county officer, including Justices of the Peace and Constables, is required by law to give bond before entering upon the duties assigned, and it is believed no good reason exists why members of Boards of Supervisors should be exempt from a requirement regarded necessary to secure proper action on the part of other county officers.

The members of the Board, although invested by the Act with unrestricted and unlimited power to dispose of county property, are not prohibited, as they should be, from becoming purchasers of the same; neither are they restricted from *selling* to the county property in which they may be interested. In a word, there is no restriction in the Act preventing the Board from purchasing the county property for their own use, at any price, no matter how inadequate, or selling to the county their own property, at any price, however exaggerated.

This vast power is committed to them without other restriction or bond than attaches to them as good citizens or honorable and upright men.

The 11th section is objectionable from the fact that it allows each member of the Board, named in the Act, compensation at the rate of five dollars per day and twenty-five cents per mile in going to the County Seat, but does not limit

the amount of compensation to be received within the year ; and, so far as the Act itself is concerned, the Board may sit every day in the year and receive per diem whether there be business to authorize it or not. Here, too, the Act confides alone in the integrity and patriotism of the Board named, for the protection of the interests of the people.

The same section declares that "no member of the Board shall be interested in any contract for the county," but fails to provide a penalty to enforce the same, which could alone give vitality or effect to the prohibition.

Each member of the Board should, in my opinion, not only be required to take and subscribe the oath required by the general law on the subject, but, also, to swear that he will not be interested, either directly or indirectly, in any purchase or sale of property made by order of the Board of Supervisors during the term for which he shall have been elected, and further, that he will not, either directly or indirectly, be interested in any contract made on behalf of the county during the term for which he shall have been elected, and a heavy penalty should be affixed for a violation of this oath.

I am aware, and it is perhaps necessary that I should here state, in explanation, that the general law passed in 1852, as well as several special Acts now on the Statute book, do not contain the provisions above suggested ; but the experience of the past having demonstrated the necessity of additional safeguards for the protection of the rights and interests of the people, they are, in this connection, commended to your favorable consideration.

The foregoing are the reasons which compel me to return the Act without approval, for your further consideration ; and before concluding this communication, permit me to remark, that special legislation, where the ends can be accomplished by wholesome general laws, has ever been looked upon with disfavor, not only as tending to encumber the statute book with needless laws, and to waste valuable time, which could, with profit, be devoted to objects of general utility, but for the additional reason that such legislation is seldom entirely free from serious objection.

I would, therefore, respectfully recommend the immediate passage of a general law, providing for an election by the people, at an early day, of a Board of Supervisors in each county of the State where none now exists.

JOHN BIGLER.

Assembly bill No. 143, An Act to create a Board of Supervisors for Contra Costa County, and to define their duties and powers—

The question being on the passage of the bill, notwithstanding the veto of the Governor, resulted in the negative by the following vote :

Those who voted in the affirmative were—

AYES.

Messrs. Cory, Moreland, and Stevenson—3.

Those who voted in the negative were—

NOES.

Messrs Andrews, Amyx, Arrington, Ashley, Adkison, Baker, Bates, Beatty, Bogardus, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Doughty, Edwards, Farwell, Ferrell, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Hunt, Johnson of El Dorado, Jones, Kin-

ney, Lincoln, McCutchan, McConnell, McCurdy, Mellus, Meredith, Murdock, Phelps, Quinn, Ryland, Stevens, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Updegraff, Vineyard, Watkins, Waite, Wells, Whitney, and Mr. Speaker—62.

Mr. Ashley offered a Concurrent Resolution, relative to payment of Pensions in the State of California.

Read and adopted.

On motion of Mr. Flournoy, the House then adjourned.

IN ASSEMBLY.

FRIDAY, March 9, 1855.

House met pursuant to adjournment.

Speaker in the chair.

Roll called and the following members were absent:

Messrs. Keys, McConnell, Rodgers, and Updegraff.

The Journal of yesterday was read and approved.

Mr. Stevenson made the following report :

Mr. Speaker :

The Special Committee, to which were referred the Fee Bills, with instructions to consolidate, would report, that they have united them in one bill, which is now ready for engrossment.

E. A. STEVENSON,
Of Committee.

Assembly bill No. 227, An Act to regulate Fees in Office.
Read first and second time, and ordered engrossed.

Mr. Meredith, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment have examined, and find correctly enrolled, An Act fixing the times of holding the Courts authorized to be held by the County Judges of Shasta, Santa Clara, and Monterey.

MEREDITH,
Chairman.

Assembly bill No. 137, An Act for the relief of certain persons therein named.
Read third time.

On its passage, the yeas and nays were demanded by Messrs. Cook, Farwell, and Quinn, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Baker, Bates, Beatty, Brewton, Burke, Chase, Clayton, Coombs, Curtis, Douglas, Doughty, Farwell, Ferrell, Flournoy, Ferguson, Gober, Graves, Gragg, Johnston of San Francisco, Kinney, Lincoln, McCutchan, McCurdy, Mellus, Meredith, Murdock, Palmer, Phelps, Stevens, Sherard, Taliaferro, Taylor, Vineyard, and Watkins—34.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Ashley, Adkison, Bogardus, Brown of Nevada, Buffum, Cory, Cook, Cunningham of El Dorado, Edwards, Foster, Gaylord, Geller, Hunt, Johnson of El Dorado, Jones, Knox, McConnell, Moreland, Quinn, Ryland, Stevenson, Singtey, Smith of El Dorado, Waite, Wells, and Mr. Speaker—28.

So the bill passed.

Mr. Moreland, Chairman, made the following report:

Mr. Speaker:

The Committee on Engrossment have examined, and find correctly engrossed An Act to amend an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein.

An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers.

An Act to amend an Act entitled an Act concerning the office of State Treasurer, passed January 24, 1850

And also An Act amendatory of an Act passed May 15, 1854, entitled an Act to amend an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

MORELAND,
Chairman.

Assembly bill No. 182, An Act amendatory of an Act passed May 15, 1854, entitled an Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851—

Read a third time, and passed

Senate bill No. 5, An Act in relation to the Contingent Expenses of the Legislature.

The question being, shall the House adhere to its amendment to the second section of the bill non-concurred in by the Senate.

Upon which, Messrs. Kinney, Brewton, and Watkins, demanded the yeas and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs Andrews, Amyx, Ashley, Baker, Beatty, Bogardus, Brewton, Brown of Nevada, Cammet, Cory, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Edwards, Ferrell, Flournoy, Foster, Ferguson, Gaylord, Geller, Gragg, Hunt, Johnson of El Dorado, Jones, Kinney, McConnell, McCurdy, Moreland, Phelps, Quinn, Ryland, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Vineyard, Watkins, Waite, Wells, Whitney, and Mr. Speaker—46.

Those who voted in the negative were—

NOES.

Messrs. Adkison, Buffum, Burke, Douglas, Doughty, Farwell, Gaver, Gober, Graves, Johnston of San Francisco, Knox, Lincoln, Mellus, Murdock, Palmer, Stevens, Taliaferro, Taylor, and Updegraff—19.

So the House refused to recede from its amendment.

On motion of Mr Wells, a Committee of Conference was appointed to meet a similar committee from the Senate—Messrs Wells, Douglas, and Burke, were appointed the committee on the part of the House.

Mr. Moreland made the following report :

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed—

An Act to prohibit barbarous and noisy amusements on the Christian Sabbath

An Act amendatory of and supplementary to an Act entitled an Act to provide for the incorporation of Towns, passed March 27, 1850.

An Act to create a Board of Supervisors for the County of Shasta, and to define their duties and powers.

An Act amendatory of and supplemental to an Act entitled an Act defining the Legal Distances from each County Seat in the State of California to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin, passed May 15, 1854.

An Act to amend an Act entitled an Act amendatory and supplementary to the Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854.

THOS. MORELAND,

Chairman.

Assembly bill No. 104, An Act extending the provisions of an Act entitled an Act giving the consent of the Legislature of the State of California to the purchase by the United States of land within this State for public purposes, to the grant heretofore made by Thomas O. Larkin and wife, Robert Semple and wife, and Bethuel Phelps, to the United States, of certain land adjoining the city of Benicia.

Senate amendment concurred in.

Assembly bill No. 97, An Act to amend an Act entitled an Act dividing the

State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

Read a third time, and passed

Assembly bill No. 65 An Act to provide for taking the second Census, in 1855, and for taking the Census thereafter.

Read a third time, and passed.

Assembly bill No. 52, An Act to define the method of acquiring rights to divert water for Mining purposes in the Mineral Districts of this State.

On motion of Mr. Flournoy, the bill was made the special order for Wednesday next, at 12 M.

On motion of Mr. Waite, Assembly bill No. 38, An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 15, 1854, was taken from the table, and after receiving various amendments, was ordered engrossed.

Assembly bill No. 54, An Act prohibiting Lotteries, Raffles, Gift Enterprises, and other schemes of a like character.

The substitute was adopted

Mr. Johnston, of San Francisco, offered the following additional section :

“ This Act shall take effect and be in force, from and after the first day of June, one thousand eight hundred and fifty-five.”

Adopted, and the bill ordered engrossed.

Assembly bill No. 151, An Act for the protection of Rural Cemeteries.

On motion of Mr. Taylor, the blank was filled with fifty acres, and the bill read the third time and passed.

On motion of Mr. Jones, the order for making Assembly bill No. 19, An Act concerning the Salaries of Officers and Pay of the Members of the Legislature the special order for February 14, was rescinded

The House resolved itself into Committee of the Whole, Mr. Smith, of Marin, in the chair, to consider the bill.

The bill was considered, and sundry amendments made thereto

Committee rose, reported the bill back to the House, and were discharged.

The House concurred in the amendments made in Committee of the Whole to the first section.

Pending the consideration of the other amendments,

On motion of Mr. Buftum, the House adjourned.

IN ASSEMBLY.

SATURDAY, March 10, 1855.

House met pursuant to adjournment.

Speaker in the chair.

Roll called and the following members were absent:

Messrs. Ashley, Brown of Contra Costa, Edwards, Hosmer, Lincoln, and McConnell.

On motion, Mr. Ashley was granted leave of absence for three days, Messrs. Edwards, Keys, Lincoln, McConnell, and Taylor, were granted leave for two days each, and Mr. Brown of Contra Costa for one day.

Journal of yesterday was read and approved.

Mr. Stow presented a petition from citizens of Santa Cruz county, praying for the passage of a Prohibitory Liquor Law.

Read, and referred to Committee on Vice and Immorality.

Mr. Phelps presented a petition on the same subject.

Read, and referred to same Committee.

Mr. Ferguson presented a petition on the same subject, which had the same reference

Mr. Moreland introduced a bill for An Act to amend an Act entitled an Act concerning Divorces, passed March 25, 1851.

Read first and second time, and referred to Judiciary Committee.

Mr. Updegraff introduced a bill for An Act authorizing Jonathan Williams and his associates to construct a Turnpike Road in the County of Yolo.

Read first and second time, and referred to the Committee on Roads and Highways.

Mr. Johnson, of El Dorado, introduced a bill for An Act amendatory to an Act to provide for the Protection of Foreigners, and to define their liabilities and privileges, passed March 30, 1853.

Read first and second time, and referred to the Judiciary Committee.

Mr. Knox introduced a bill for An Act in relation to the Mines and Mineral Lands of this State.

Read first and second time, and referred to the Judiciary Committee, and ordered printed.

Mr. Bates introduced a bill for An Act authorizing William A. Mennally to construct a Turnpike or Gravel Road from the town of Shasta to the Cañon House, in Shasta county.

Read first and second time, and referred to the Committee on Roads and Highways.

Mr. Andrews introduced a bill for An Act to amend an Act regulating Marriages, passed April 22, 1850

Read first and second time, and referred to Judiciary Committee.

Mr. Mellus introduced a bill for An Act to amend an Act entitled an Act defining the time for commencing Civil Actions, passed April 22, 1850

Read first and second time, and referred to Judiciary Committee.

Mr. Smith, of Marin, gave notice that he would introduce a bill providing for the building of a State Prison commensurate with the wants of the State, and for walls enclosing the same in accordance with a law approved April 25, 1851.

Mr. Ferrell made the following report :

Mr. Speaker :

At a regular meeting of the Judiciary Committee on last evening, two members only being present, they took under consideration Assembly bill No. 226, entitled An Act concerning Attachments where the people of the State are plaintiffs, and Mr. Ryland acting as Chairman pro tem., instructed me to report the bill back to the House without amendment, and recommend its passage.

FERRELL,
Of Committee.

Assembly bill No. 226, reported above—
Considered engrossed, read a third time, and passed.

Mr. Ryland, of the Judiciary Committee, made the following report :

Mr. Speaker :

The Judiciary Committee have had under consideration Assembly bill No. 219, for An Act concerning Contracts and Promises, and have instructed me to report the same back without amendment, and recommend its passage.

RYLAND,
Of Committee.

Assembly bill No. 219, reported above—
Considered engrossed, read third time, and passed.

Mr. Douglas, Chairman, made the following report :

Mr. Speaker:

The Committee of Ways and Means, to whom was referred Assembly bill No. 161, An Act concerning the payment of taxes, licenses, street assessments, and other civil liabilities, have had the same under consideration, report it back, and recommend its indefinite postponement, because it gives unheard of powers to Assessors and Collectors, and would create a new era in collecting and assessing taxes in this State.

Also, that they have had under consideration Assembly bill No. 157, An Act concerning the appropriation made by Congress in payment of the War Indebtedness of the State, report it back, and recommend its indefinite postponement; as the State has pledged that appropriation to the payment of the War Bonds of this State.

DOUGLAS,
Chairman.

Assembly bills No 157 and No 161, were, in accordance with the recommendation of the Committee, indefinitely postponed.

Mr. Ferrell made the following report :

Mr. Speaker :

A majority of the Committee on Escheated Estates, to whom was referred Senate bill No. 39, entitled An Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852, have instructed me to report the same back to the House, with amendments, and recommend its passage

FERRELL,
Chairman.

Senate bill No. 39, reported above, Committee amendments adopted, read third time, and being put upon its passage,

Messrs. Buffum, Johnson, and Watkins, demanded the yeas and nays, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs Andrews, Amyx, Bates, Beatty, Bogardus, Cory, Chase, Clayton, Cook, Covarrubias, Douglas, Doughty, Farwell, Ferrell, Flournoy, Gaver, Gaylord, Geller, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, Knox, McCurdy, Murdock, Oxley, Phelps, Sherrard, Taliaferro, Waite, Wells, Whitney, and Mr. Speaker—35.

Those who voted in the negative were—

NOES.

Messrs. Brewton, Buffum, Ferguson, Gober, Gragg, Hunt, Jones, McCutchan, Mellus, Meredith, Palmer, Quinn, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Stewart, Updegraff, and Watkins—20.

So the bill passed.

Mr. Wells gave notice that he would, on to-morrow, or Monday next, move a reconsideration of the vote just taken.

Mr. Palmer made the following report:

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed, An Act to fund the indebtedness of the State, existing in the form of State Controller's Warrants, drawn upon the Treasurer of State, between the thirtieth day of June, A. D. 1853, and the first day of July, A. D. 1855.

PALMER,
Of Committee.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly, that the Senate is in possession of a report of Dr. John B. Trask, upon the Geology of the Coast Mountains ; also, other portions of the State.

Also, that they passed, on the 9th instant, Assembly bill No. 192, An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, with sundry amendments, in which the concurrence of the Assembly is respectfully asked.

WM. A. CORNWALL,

Secretary Senate.

On motion of Mr. Kinney, Assembly bill No. 192, An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, was made special order for Monday next, at 12 o'clock, M.

Mr. Bates, Chairman, made the following report :

Mr. Speaker :

The Hospital Committee, empowered to visit the State Marine Hospital at San Francisco, and investigate the condition of the same, beg leave to submit the following report as the result of their investigations :

That from personal observations at various times while in San Francisco, and knowledge obtained, they can speak in high terms of the medical department of that institution, and that the Resident Physicians, also the Visiting Physicians, have performed their professional duties with care and humanity. The general appearance of cleanliness visible throughout the institution, speaks well for the sanitary condition of the same ; and the Committee can in truth say there are no abuses to be reformed or repealed in this particular quarter ; and during the examination, which has been a long and thorough one, numerous testimonials have been taken, which are now submitted to you for your action, in which the discipline of the Hospital is borne high above reproach.

The general and financial management of the institution, the numerous depositions now before you unfold to the view in no very glowing colors of prosperity, but tend to show that the fund, sacredly set apart by the State in its wisdom and generosity for the support of its indigent sick, has, to say the least, been sadly misapplied.

It is, however, no more than right for us to say, in this connection, that among many causes for this state of affairs, the bad credit of this institution is one, brought about in part by the various and wholesale sacrifices upon State and City Scrip, in order to render it available as cash, together with the long delay incidental thereto ; and in part, because no one could sell the hospital supplies, under the circumstances, without charging a price sufficiently above current rates of the day to cover the amount of interest that would necessarily accrue in some other quarter, while parties were waiting for the various amounts due them from the Hospital. So with these facts it is plain, that a large loss from what should be a cash basis on the one side, and an equally large per cent advance over cash prices on the other, will naturally make bad credit, and swell expenditures to an enormous amount. The Committee would further remark, as one other additional cause of embarrassment of the institution, the enormous monthly rent paid by the Trustees for the use of the building now occupied as the State Marine Hospital, to wit : \$1,400 per month,

and six months rent in advance, while the Committee have it, on unimpeachable testimony before them, that the same premises were offered to other parties for the monthly rent of \$400—thus using up a large share of the annual appropriation, and thus tending to produce the present state of the institution, and serving, as an additional reason, for causing your Committee to recommend the abolishment of the whole concern.

Your Committee desire to cast no reflections upon any one in this particular, but will let the written evidence, in regard to the facts on both sides, speak for itself.

In order to enable all to understand the financial condition of this institution, as they appear upon the schedule attached to this report, made up from vouchers on file in the Treasurer's office, a general synopsis of its contents is now given.

Whole available amount received, as per vouchers from the various quarters from whence the funds are derived for the support of the Hospital :

From January 1, 1854, to February 28, 1855,	\$166,246 93
As cash, on Treasurer's books,	136,667 80
Loss on State Warrants, &c.,	\$29,579 13

Amount of expenditures for the same length of time—

For Trustees' office,	\$4,476 60
Treasurer's office,	2,713 00
Physicians' salaries,	25,396 36
Legal services,	1,490 00
State Marine Hospital.	78,037 00
Wages, labor, &c ,	24,659 49
Amounting to	\$136,772 45

The amount of outstanding indebtedness of the institution cannot at present be correctly ascertained; but the amount of registered bills in the aggregate, are \$83,707 28, of which amount, \$79,086 58 is for supplies to the State Marine Hospital, and \$6,620 70 is for labor. It is proper here to remark, that the half yearly instalment for rent, amounting to \$8,400, is now over due, and if the Hospital should be abolished, the State is bound by bond to put the premises in the same condition they were when rented; and the lowest estimate for performing the same, among several that were offered in evidence, amounts to \$9,000 in round numbers. These two amounts alone, for which there will be a claim upon the State, will swell the amount of liabilities appertaining to and accruing from the State Marine Hospital, to over \$100,000; and how much more it will be, your Committee are unable to state.

The Committee, in this connection, earnestly call attention to the evidence in regard to the Small Pox Hospital, and the system under which it was conducted, the amount of rents paid, expenditures, and salaries, and also the evidence in regard to the renting of the State Marine Hospital. together with the testimony of Messrs. Sparrow, Gallagher, and McCrea, Trustees of the institution, in regard to the general administration of affairs in connection with it.

In view of the foregoing statements, your Committee recommend, first, The abolishment of the State Marine Hospital at San Francisco. Second, That no Act be passed providing for any State institution for taking care of the indigent sick of this State. Third, That suitable provisions be made for the proper care and treatment of patients now in the State Marine Hospital at San Francisco, and of such other patients as may properly become a charge upon the State. Fourth, That this Legislature provide by enactment for the care of the indigent sick of each county in this State within the respective counties to which they belong; and that two-fifths

of the whole amount of the commutation tax be appropriated to the County of San Francisco, in consideration of the authorities of said county agreeing to take care of the present indigent sick of the State Marine Hospital. Fifth, That all the furniture, medicines, and materials of every kind, belonging to the State Marine Hospital at San Francisco, be given to the County of San Francisco, to be used as the authorities may deem best for hospital purposes. Sixth, The settling up at an early day the outstanding indebtedness of the State Marine Hospital.

HENRY BATES,

Chairman House Committee on Hospitals.

Two thousand copies of the report and accompanying documents were ordered printed.

House resolved itself into Committee of the Whole, Mr. Gober in the chair, to consider Senate bill No. 16, A bill for an Act to repeal an Act entitled an Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the indigent sick in this State—

The Committee rose, reported progress, and were discharged.

On motion of Mr. Farwell, the second section of the bill was amended by striking out March and inserting April.

Mr. Stevenson moved a call of the House.

Sustained.

The roll being called, the following members were absent: Messrs. Amyx, Adkison, Brown of Nevada, Cunningham of El Dorado, Flournoy, and Moreland.

Mr. Arrington moved that further proceedings under the call be dispensed with.

Not agreed to.

Sergeant-at-Arms was dispatched after absentees.

Messrs. Amyx and Adkison appeared at the bar, and,

On motion, were admitted, and fined "six bits" each.

Mr. Oxley moved to remit the fines imposed on Messrs. Amyx and Adkison.

Not agreed to.

Mr. Flournoy appeared at the bar, and, on motion, was admitted and excused.

Mr. Watkins moved that further proceedings under the call be dispensed with.

Not agreed to

On motion of Mr. Buffum, further proceedings under the call were dispensed with.

Mr. Stevenson moved the previous question.

Sustained.

The amendments were then severally put and lost.

Messrs. Stevenson, Foster, and Ferguson, demanded the yeas and nays on the passage of the bill, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Arrington, Adkison, Baker, Bates, Beatty, Bogardus, Brewton, Brown of Nevada, Burke, Cory, Chase, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Douglas, Doughty, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, Knox, McCutchan, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Updegraff, Vineyard, Watkins, Waite, Wells, Whitney, and Mr. Speaker—64.

Those who voted in the negative were—

NOES.

None.

So the bill passed.

Mr. Douglas, Chairman, made the following report :

Mr. Speaker :

The Committee of Ways and Means, to whom was referred Senate bill No. 81, have had the same under consideration, report it back, and recommend its passage.

DOUGLAS,

Chairman.

Senate bill No. 81, above referred to, An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Civil Expenses of Government accruing prior to the first day of February, 1855, was considered in Committee of the Whole, Mr. Oxley in the chair.

Read third time, and passed.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 111, entitled An Act to authorize the Funding Commissioners of Contra Costa County to audit certain claims against the county.

WM. A. CORNWALL,

Secretary of Senate.

Senate bill No. 111, An Act authorizing the Funding Commissioners of Contra Costa County, to audit certain claims against the county—

Read first, second, and third times, and passed.

Mr. Moreland, Chairman, made the following report :

Mr. Speaker:

The Committee on Engrossment have examined, and find correctly engrossed—

An Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same.

An Act to amend the twenty-first section of an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853.

An Act amendatory of an Act passed March 23, 1850, entitled An Act to regulate Elections.

An Act to provide for the erection of a Jail in the County of San Luis Obispo.

An Act to authorize the payment of the rent of the Court House in Sacramento County.

An Act supplementary to an Act defining the time for commencing Civil Actions in certain cases, passed May 4, 1852.

And an Act to change the time of holding the different Courts authorized to be held by the County Judge in the County of Yolo.

THOS. MORELAND,
Chairman.

Assembly bill No 18, An Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same—

Mr. Phelps moved to recommit the bill, with instructions to strike out "white," in section 12.

Lost.

Mr. Jones moved to amend, by inserting white before children, in fifth subdivision of third section, and also in the eighteenth section.

Messrs. Phelps, Watkins, and Jones, demanded the ayes and noes, on the adoption of the amendment, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Baker, Beatty, Brewton, Brown of Nevada, Burke, Clayton, Cook, Cunningham of El Dorado, Douglas, Doughty, Ferrell, Ferguson, Graves, Gragg, Hosmer, Johnston of San Francisco, Jones, Knox, McConnell, Mellus, Meredith, Oxley, Palmer, Quinn, Stevens, Sherrard, Singley, Watkins, Wells, and Mr. Speaker—30.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Farwell, Gober, Hunt, Moreland, Murdock, Phelps, Vineyard, and Waite—9.

The bill was read a third time, and passed.

Mr. Baker offered the following resolution.

Resolved, That the use of this Hall be granted to Judge Ralston, of this city, for the purpose of delivering an address upon the subject of Title to the Public Lands within the State of California, on Thursday evening the 15th inst.

Pending which, the House adjourned.

IN ASSEMBLY.

MONDAY, March 12, 1855.

House met pursuant to adjournment.

The Speaker in the Chair.

Roll called, and the following members were absent:

Messrs. Bates, Buffum, Cammet, Cory, Covarrubias, Dana, Farwell, Flournoy, Gaver, Hosmer, Knox, Lincoln, Taylor, and Whiting.

On motion, Mr. Buffum was granted leave of absence for one day, Mr. Chase three days, Messrs. Covarrubias, Dana, Farwell, Amyx, Hosmer, Knox, and Whiting one day each, and Mr. Taliaferro two days.

Journal of Saturday was read and approved.

Mr. Quinn presented a petition, praying for the enactment of a Prohibitory Liquor Law.

Read, and referred to the Committee on Vice and Immorality.

Mr. Phelps presented a petition on the same subject.

Read, and had the same reference.

Mr. Kinney offered the following resolution :

Resolved, That for the more speedy disposal of business in this House, the following order shall be preserved :

That all bills reported to this body by either standing or special committees, with or without amendment, after receiving their second reading, shall be placed upon general file; and no bill shall be considered by the House, until the regular order of business shall have been gone through, and then bills shall be taken from the general file, and acted upon in the order in which they were reported, unless otherwise specially ordered by the House.

Adopted.

Mr. Cunningham, of El Dorado, presented a petition, praying for the passage of a Prohibitory Liquor Law.

Read, and referred to the Committee on Vice and Immorality.

Mr. Stevenson presented a petition for the passage of a law for the suppression of Gambling throughout the State.

Read, and referred to the Select Committee heretofore appointed.

Mr. Ferrell introduced a bill for An Act to fund the Debt of the County of San Diego, and provide for the payment of the same.

Read first and second time, and referred to the Committee on Ways and Means.

Mr. McCutchan introduced a bill for An Act to provide for the construction of a Wagon Road from the Sacramento valley to the eastern line of the State.

Read first and second time, and referred to the Committee on Roads and Highways.

Mr. Smith, of Marin, gave notice, that he would introduce a bill to authorize the Board of Supervisors in and for the County of Marin, to levy a special tax for the erection of Public Buildings in said county.

Mr. Wait verbally reported a substitute for Senate bill No. 96, An Act to provide J. G. Stebbins, W. W. Stow, and H. P. A. Smith, with duplicate warrants in lieu of certain warrants lost or destroyed, recommending its passage
 Substitute adopted, read third time, and passed.

Mr. Gaylord made the following report :

Mr. Speaker :

The Committee on Roads and Highways have had Assembly bill No. 155 under consideration, and report amendments. Recommend the adoption of amendments, and the passage of the bill as amended

GAYLORD,
 Chairman.

Assembly bill No. 155, reported above, was laid over under the rules.

Mr. Gaylord made the following report :

Mr. Speaker :

The Committee on Roads and Highways have had Assembly bill No. 199 under consideration, and report amendments accompanying the bill, and recommend the passage of the bill, with amendments.

GAYLORD,
 Chairman.

Assembly bill No. 199, reported above, was laid over under the rule.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment presented to Governor Bigler, for his approval, Friday, March 9, An Act fixing the time of holding the Courts authorized to be held by the County Judges of Shasta, Santa Clara, and Monterey.

MEREDITH,
 Chairman.

Mr. Gober verbally reported a substitute for Senate bill No. 60, An Act to suppress Houses of Ill Fame, recommending its passage.
 Laid over under the rule.

Mr. Ryland made the following report:

Mr. Speaker :

The Committee, to whom was referred a bill for An Act to construct a Wagon Road from the Sacramento Valley to the Eastern Boundary of the State, having had the same under consideration, beg leave to report as follows :

That they have had much difficulty in arriving at anything like satisfactory conclusions of the manner of obtaining the end sought. All see the necessity of such a road, and but few doubt its practicability. The immigration to the Pacific demands it, our progress and prosperity as a State demands it; the exorbitant price

of passage on the ocean steamers demands it. our connection with the rest of the Union, our safety in war and subsistence in dearth, demands it. Yea, everything demands it, and demands it now, but how to get it is the difficulty.

In the first place, we have not that unanimity in our own councils that should prevail. Men are differing. The various sections of the country are advocating not only different modes of constructing the road, but different routes upon which to construct it. The people of the North desire a northern route, the center, a central route; and the South, a southern route. Some think that private enterprise, with a little assistance from the State, would build a toll road; others think the State should construct it entire, and let it be free.

All these difficulties can be easily overcome, we apprehend, except the one as to the most convenient practicable route.

Our State is so new and unsettled, its mountain gorges and canons are so little explored, and its waste places and deserts so little known, that your Committee have not been able to agree unanimously upon any particular route.

The first route which occupied our attention was the one called Noble's Pass. Those who have traveled it, represent it as being a very excellent pass, particularly for summer travel. The distance through that pass from the Sacramento Valley to the Humboldt, is about two hundred and fifty miles. The ascent of the Sierra Nevada either way is very gradual, and requires little or no grading. There is an abundance of grass on this route for the stock of a large immigration. Water is not so abundant, there being frequent scopes of country from twelve to eighteen miles, in which there is a scarcity of water. The height of this pass is represented to be between four and five thousand feet above the level of the sea.

The objections to this route are, that it is too far north, that the immigration will not wish to take it, because it is too far north, and much further than the great majority will like to travel to reach their destination.

We have been told that a Mr. Jenkins proposes to make a good wagon road over that route, for the sum of ten thousand dollars. Major Corboun, United States Mail Agent at Salt Lake, says that it will take a much larger amount, and that it will then be impassable for a great portion of the year, on account of snow.

The next route coming south which occupied our attention, is called Beckwith's.

This route will leave Marysville, and go by Bidwell and the American Valley into Beckwith's Valley, or leaving the same place, will go by Gibsonville through Beckwith's Valley, down the Truckee, across the desert to the Humboldt. Stages run daily from Marysville to Bidwell, a distance of thirty miles, and of course the road will need but little work or outlay to make it a good wagon road that far. From Bidwell to the American Valley, a distance of about seventy miles there is now what is called a good mountain road, but it will need much improvement to make it such a road as is contemplated by the bill. Over this portion of the way, it is said, private enterprise will run a line of stages next spring. From the American Valley, the road goes to Beckwith's Valley, a distance of seventy or seventy-five miles. This portion of the road is better than that lying between the American Valley and Bidwell, but will need much improvement.

The other route leaving Marysville is about as follows: To Gibsonville, a distance of sixty-two or sixty-three miles, the road is now traveled with stages. This would not need any work to make a good wagon road; at least, no more than the counties through which it passes could afford to do to make it good. Along this portion of the route there is plenty of water. From Gibsonville this way, for fifteen miles, there is no grass, the country being covered with mountain chaparral. At Gibsonville grass sufficient can be obtained. From Gibsonville to Jameson Creek, at Seventy-six, a distance of fifteen miles, the road passes over high, stony, chaparral ridges, nearly destitute of food for animals. This portion will require an outlay of from \$10,000 to \$15,000 to make it good. From Seventy-six to the Mohawk

Ranch, a distance of twelve miles, the road is now good. From the Mohawk Ranch to Beckwith Valley, a distance of twelve miles, the road is tolerable good,—will need some work. From Beckwith Valley to the Humboldt, a distance of about eighty miles, it is said a good road can be made at a moderate expense. The information as to this part of the route is not very satisfactory. The writer of this came up the Truckee in 1849, and found it anything but a good road, having crossed that stream twenty-seven times in about twenty-seven miles. It is said, however, that by new routes, crossing the stream so often can be avoided—that it will only be crossed from three to seven times. We suspect that this portion of the route will need a great deal of labor to make it a good wagon road. The whole distance from Marysville to the Humboldt is two hundred miles more or less.

The next route is the one up the South Fork of the American River, through Johnson's Cut-Off and Hope Valley into Carson Valley.

From Sacramento, by this route, the distance is one hundred and ten miles. From Sacramento to Placerville, some fifty miles, there is now a good road, over which stages pass daily, making the trip in five or six hours. From Placerville, sixteen miles, the road is good, and needs but little work. From this place along the banks of the South Fork to Slippery Ford, a distance of twenty-five miles, the road will need considerable work, owing to points or ledges of rock running in close to the river. From Slippery Ford to the summit of the Sierra, is only six miles and two hundred yards, by actual measurement. At Slippery Ford there is quite an obstacle in the shape of a rocky hill: it can be avoided, however, by keeping up the South Fork, which will need bridging. There being fine water power and excellent timber on the spot, the bridging can be done comparatively cheap. The ascent from Slippery Ford to the summit is most beautiful and gradual. The summit is 8,300 feet above the sea. From the summit to Lake Bigler Valley is some three miles, and by side-hill grading can be made a good road for wagons and stages. Here, however, is the greatest difficulty on this route. Lake Bigler Valley is 7,150 feet above the level of the sea, leaving the difference between the valley and the summit of the Sierra of 1,150 feet, which has to be descended in three miles, making a grade of some three hundred and eighty feet to the mile. From the eastern foot of the Sierra, the road turns southeasterly across the southern part of Lake Valley into Hope Valley, a distance of five miles. Hope Valley is 7,540 feet above the sea. From the eastern foot of the Sierra to the eastern part of Hope Valley the road is good. From Hope Valley through the cañon to Cary's Mill, is six miles. Cary's Mill is 6,240 feet above the sea, making the fall in six miles, 1,300 feet. The canon has been worked some, but needs much more. The work is of that character which is easily to be accomplished. The people of Carson Valley would do this, it is said, without charge to the State of California. The total distance by measurement from Placerville, in El Dorado County, to Carson Valley, is fifty-nine and a half miles,—seven miles only of which is covered with snow, so as to hinder traveling. This route passes through a very beautiful and picturesque country, well watered and timbered.

Lake Bigler is a beautiful sheet of water, from eight to twelve miles wide and about forty long, lying about 7,500 feet above the sea, between two lofty ranges of the Sierra. The valley surrounding it is traversed by many lovely streams, and in the summer is covered with an exuberant growth of grass. Carson Valley is from ten to fifteen miles wide, and from thirty-five to forty miles long, and is now settled by farmers, millers and miners. The soil is rich, and well adapted to the production of grains, grass, etc. Water for irrigation and milling is abundant. This bids fair to be a thickly settled country, and must necessarily have communication with our State. We have described this route more particularly than any other, for the reason, our information has been greater and more reliable.

The advantages of this route are—

First, It is a central one.

Second, It is much the shortest route to the Sacramento and San Joaquin valleys.
Third, The greater part of the way can now be traveled, and needs but little work.

Fourth, The snow is bad only for about seven miles.

Fifth, It connects us with the Carson Valley, a valley which will soon be densely settled, and will be the half-way house from the Great Salt Lake country.

Sixth, Because, by recent explorations, it is found, by continuing this route, a good wagon road can be made, with but little labor, north of the Great Salt Lake to the Mormon settlements, one hundred and fifty miles nearer than any now traveled, making the total distance from Sacramento City to Salt Lake not more than five hundred and fifty-miles.

The estimated cost of this route is from \$30,000 to \$75,000.

Reference is made to the report of Mr. Henderson, County Surveyor of El Dorado County, marked "Exhibit A," and hereto attached.

There is also another central route, to which our attention has been called—leaving Sacramento and passing by Diamond Springs, El Dorado County, through Sly Park, on or near the old Carson route, through the canon into Carson valley.

This route has been lately explored by Major Case and others, who represent it as being an excellent one for a wagon road. Others say that it is the old Carson route, and that it can never be made as good a road as the one through Johnson's Cut-Off.

By this route, from Diamond Springs to Carson Valley, the distance is sixty-seven and a half miles, according to the calculations of Major Case; which distance may be shortened some eight or ten miles by cut-offs.

Upon careful examination it may be found, that the route on or near the old Carson road, by Diamond Springs through Sly Park, is the best route we have named, as Major Case says that the road from Diamond Springs to Carson Valley can be shortened to fifty-five and a half miles, and that but twenty-five miles will require work. The Committee have no estimate of the cost of this route.

See Major Case's report, marked "Exhibit B."

The fifth route is the southern route, leaving Salt Lake and running south through the southern settlements of the Mormons, along the route of the proposed Military Road of the General Government, to the eastern boundary of this State; thence through the Cajon Pass and San Bernardino to Los Angeles; thence, up the Coast Road to the central portion of the State, or from Los Angeles through the Tejon Pass, through the Kern River country, by the Sink of White River, across Tule River into the King's River and Four Creeks' District; thence down the San Joaquin to Stockton.

This route passes through some most beautiful and fertile country, on the Four Creeks and King's River, the whole of which is public land, and is a most excellent place for settlers. The soil is well adapted to grains of all kinds and grass, and is also well suited for stock raising. Water and timber are abundant. In order to understand this route more definitely, we propose to describe it in three sections, commencing at Stockton.

From Stockton to the Tejon Pass, a distance of two hundred and ninety miles, the road crosses many streams, and passes over a lovely country, known as before said, as the Four Creek Valley. This section of the road will cost from \$10,000 to \$12,000. The Tejon Pass is about 4,000 feet above the sea, and about 2,000 feet above the Tulare Valley. The grade is said to be very easy, indeed, a good road now exists over it. From Tejon Pass to Los Angeles, is ninety miles; from Los Angeles to the town of San Bernardino, is fifty-six miles. This section will need some considerable work in the mountains near the Tejon Pass. The Los Angeles people have already spent about \$6,000 on this road. It is said that \$6,000

or \$8,000 more, would make a good wagon road of it. Along it, water and grass are abundant and the soil good. From Los Angeles to San Bernardino, there is now an excellent road. From San Bernardino to the eastern boundary of the State, the distance is about two hundred and fifty miles, and forms the third section.

The Cajon Pass is some twelve miles from San Bernardino. This pass will need much work, and an outlay of \$20,000 more or less. The distance through the Cajon Pass is some twelve miles, once through it, you are in the Great Salt Lake Basin, with a good road to Salt Lake City. There are two *jornadas* on this route, each about fifty miles long. Wells would have to be dug and watering places fixed, or the immigration would suffer intensely. Grass is scarce in many places. The great advantages of this route are—

First, There are no high and abrupt mountains to pass; and,

Second, The snow is no impediment, consequently it can be travelled at all seasons of the year.

The great objection to it is, that it is too circuitous, and nearly, if not quite, as far again to the central portions of the State, as the route by Carson Valley to the Sacramento Valley.

The distance from Salt Lake *via* Los Angeles, Tejon, and King's River, to Stockton, is about 1,100 miles

Your Committee would say, that from all the information in their possession, and from a careful consideration of the advantages and disadvantages of all the routes, they feel constrained to recommend the location and construction of the road upon the central route, through Johnson's Cut-Off

Your Committee would further say, that they have not been able to procure anything like a definite estimate of the cost of such a road. That the estimates which those who have traveled over these various routes are, as we have before stated, from \$30,000 to \$75,000. That the cost can only be ascertained by actual survey and calculation.

Your Committee would further report, that they have made many alterations and changes in the bill introduced by Mr. Farwell. That they have attempted to simplify the same, and to require, if possible, the construction of the proposed road in time to relieve the immigration of the present season; and having so amended said bill, they report the same back, and recommend its passage.

C. T. RYLAND,

Chairman of Committee on Internal Improvements.

The following messages were received from the Governor :

EXECUTIVE DEPARTMENT. }
Sacramento, March 9, 1855. }

To the Assembly of California :

I have this day approved an Act which originated in the Assembly, entitled An Act to create a Board of Supervisors for the County of Alameda."

Although limited in its operation to a single county, it is proper, in explanation, here to state, that this Act differs materially from the Act returned without approval on the 6th instant.

The Act providing for a Board of Supervisors for the County of Contra Costa, it will be recollected, was returned without approval, for the reason that the Supervisors were named and appointed in the body of the Act itself, and, therefore, by me believed to be in direct conflict with section 5 of article 11 of the Constitution.

The Act providing for a Board of Supervisors for the County of Alameda, and which I have this day approved, in accordance with the Constitutional requirements, authorizes the people of the County of Alameda, on the third Monday (19th) of March, after notice given, as required by the Act, to elect a Board of Supervisors, to be composed of one member from each of the several townships of the county.

Assured by the immediate representative from the County of Alameda that there exists pressing necessity for a Board of Supervisors in his county, and that unless immediately approved, the election authorized by the Act could not take place on the day designated by the same, it was deemed proper to return the Act, approved, with a recommendation to amend the general Act now under consideration, so as to include the County of Alameda, (after the first election,) and to incorporate in the same a clause requiring bonds for faithful performance of duty, and providing a penalty for violation of section 11 of the Act this day approved, together with a stringent prohibition from becoming purchasers of county property sold by the Board, as suggested in my communication of the 6th instant, returning the Contra Costa Act.

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }
Sacramento, March, 9, 1855. }

To the Assembly of California :

I have this day approved an Act which originated in the Assembly, entitled An Act fixing the time of holding the several Courts authorized to be holden in the Counties of Shasta, Santa Clara, and Monterey.

JOHN BIGLER.

The following communication was received from the Controller, and 240 copies ordered printed :

OFFICE OF CONTROLLER OF STATE, }
Sacramento, March 10, 1855. }

To the Assembly of California .

In reply to Assembly resolution of the 8th instant, "requesting the State Treasurer and Controller to furnish the House with a detailed account of the Receipts and Expenditures of the State of California from July 1, 1854, to March 1, 1855."

The accompanying statements are respectfully submitted :

The Controller has no official knowledge of the receipts into the Treasury from the sales of the State's interest in the property within the water line front of the city of San Francisco, and has reported the amount derived from that source on the statement of the Treasurer of State.

I have the honor to be, respectfully, your obedient servant,

SAMUEL BELL,
Controller of State.

Expenditures from July 1, 1854, to March 1, 1855—

Salary of Governor,	-	-	-	-	-	-	\$ 6,666 68
Controller,	-	-	-	-	-	-	3,000 00
Treasurer,	-	-	-	-	-	-	3,000 00
Secretary of State,	-	-	-	-	-	-	2,625 00
Attorney General,	-	-	-	-	-	-	1,333 34
Surveyor General,	-	-	-	-	-	-	1,332 36
Quartermaster General,	-	-	-	-	-	-	1,333 36
Superintendent Public Instruction,	-	-	-	-	-	-	3,000 00
Clerks to Controller,	-	-	-	-	-	-	6,210 00
Clerks to Treasurer,	-	-	-	-	-	-	4,320 00
Secretary of State,	-	-	-	-	-	-	3,992 56
Supreme Judges,	-	-	-	-	-	-	18,000 04
District Judges,	-	-	-	-	-	-	33,981 21
California Land Commissioners,	-	-	-	-	-	-	11,083 36
Governor's Private Secretary,	-	-	-	-	-	-	1,458 33
Contingent Fund of Governor,	-	-	-	-	-	-	809 17
Special Contingent Fund of Governor,	-	-	-	-	-	-	3,644 80
Contingent Fund of Controller,	-	-	-	-	-	-	785 90
Contingent Fund of Treasurer,	-	-	-	-	-	-	286 03
Contingent Fund of Secretary of State,	-	-	-	-	-	-	1,072 87
Contingent Fund of Quartermaster General,	-	-	-	-	-	-	607 35
Contingent Fund of Superintendent of Public Instruction,	-	-	-	-	-	-	208 71
Contingent Fund of Surveyor General,	-	-	-	-	-	-	597 75
Contingent Fund of Supreme Court,	-	-	-	-	-	-	865 00
Contingent Fund of Assembly,	-	-	-	-	-	-	2,434 00
Contingent Fund of Senate,	-	-	-	-	-	-	1,534 50
Contingent Fund of Legislature,	-	-	-	-	-	-	125 00
Paper for Printing,	-	-	-	-	-	-	2,918 50
Translating Laws,	-	-	-	-	-	-	3,735 50
Office Rent of California Land Commissioners,	-	-	-	-	-	-	700 00
Transportation of Prisoners,	-	-	-	-	-	-	13,993 00
Northern Boundary,	-	-	-	-	-	-	2,024 32
State Printing,*	-	-	-	-	-	-	80,285 34
Insane Asylum,	-	-	-	-	-	-	25,939 39
Insane Asylum, Additional Building,	-	-	-	-	-	-	80,000 00
Support of Indigent Sick,	-	-	-	-	-	-	33,327 20
State Marine Hospital,	-	-	-	-	-	-	75,415 75
Extra Clerk hire to Secretary of State,	-	-	-	-	-	-	2,667 00
State Arms,	-	-	-	-	-	-	207 50
Library Fund,	-	-	-	-	-	-	348 75
Salaries of Physicians of Insane Asylum,	-	-	-	-	-	-	8,000 00
Senators' per diem,	-	-	-	-	-	-	23,488 00
Senators' Mileage,	-	-	-	-	-	-	3,407 20
Assemblymen per diem,	-	-	-	-	-	-	55,984 00
Assemblymen Mileage,	-	-	-	-	-	-	11,075 20
Senate Officers and Clerks, (1854 and 1855)	-	-	-	-	-	-	23,213 00
Assembly Officers and Clerks, (1854 and 1855)	-	-	-	-	-	-	28,310 00

* This sum includes work performed by George Kerr & Co. and B. B. Redding during the last fiscal year, and for which no appropriation was made until the present session of the Legislature.

Salaries of Physicians of State Marine Hospital,	-	-	18,000	00
Special Postage Act,	-	-	671	01
A. J. F. Phelan for Statement of War Debt,	-	-	3,000	00
S. R. Weed, for services in case of McCurdy vs. Galvin	-	-	50	00
State Agricultural Society,	-	-	5,000	00
Total,	-	-	\$616,067	98

Mr. Ryland offered the following resolution :

Resolved, By the Assembly, (the Senate concurring) that this Legislature adjourn *sine die*, on the 9th day of April, A. D. 1855, at 12, M., of that day.

Laid over.

Resolved, That this House will receive no new business after the 26th day of March, A. D. 1855, unless by unanimous consent.

Mr. Johnston, of San Francisco, offered the following substitute :

Resolved, That after Wednesday, the 21st day of March, no new bills (Senate bills excepted) shall be presented to this House until the business then before it be disposed of, unless the operation of this resolution be temporarily suspended by a two thirds vote.

Adopted.

Mr. Stevens moved to lay the resolution on the table, upon which

Messrs. Arrington, Mellus and Smith demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Beatty, Bogardus, Boles, Brown of Nevada, Buffum, Cory, Cunningham of El Dorado, Cunningham of Sierra, Foster, Ferguson, McCutchan, McCurdy, Meredith, Moreland, Oxley, Sherrard, Singley, Smith of Marin, Stewart, Vineyard—21.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Adkison, Baker, Bates, Clayton, Coombs, Douglas, Doughty, Farwell, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Mellus, Murdock, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Smith of El Dorado, Updegraff, Watkins, Waite, Wells, Whitney, Mr. Speaker—34.

So the motion was lost.

Mr. Johnston gave notice that he would move a reconsideration of the vote just taken.

Mr. Smith moved to amend by inserting "the first day of April."

Mr. Jones moved "the twenty-sixth day of March."

Agreed to.

The resolution was adopted.

Mr. Smith, of Marin, gave notice that he would move a reconsideration on to-morrow.

Assembly bill No. 192, An Act to create a Board of Supervisors in the Counties of this State and to define their Duties and Powers, special order, was taken up, and Senate amendments concurred in, except the seventh subdivision of section nine.

The chair ordered the ayes and noes on concurring in the Senate amendment of the seventh subdivision of section nine, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Adkison, Bates, Bogardus, Burke, Cunningham of El Dorado, Cunningham of Sierra, Geller, Johnson of El Dorado, Jones, Kinney, McCutchan, McCurdy, Murdock, Oxley, Quinn, Stevenson, Smith of El Dorado, Updegraff—18.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Beatty, Brewton, Brown of Nevada, Cory, Clayton, Cook, Douglas, Doughty, Ferrell, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Keys, Mellus, Meredith, Palmer, Phelps, Ryland, Stevens, Singley, Smith of Marin, Stewart, Watkins, Waite, Wells, Mr. Speaker—30.

So the House refused to concur.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed, yesterday, Senate bill No 76, entitled An Act to provide for the Indigent Sick in the Counties of this State.

WM. A. CORNWALL,
Secretary Senate.

March 9th, 1855.

Senate bill No. 16 was read first and second time and referred to Committee on Hospitals.

On motion of Mr. Kinney, Assembly bill No. 165, An Act amendatory of and supplementary to an Act entitled An Act concerning Crimes and Punishments, passed April 16th, 1850, was taken from the table.

Substitute adopted and ordered printed.

On motion of Mr. Beatty, Mr. Keys' resolution was taken from the table.

Indefinitely postponed.

On motion of Mr. Oxley, the Quartermaster General's report was taken from the table and 960 copies ordered printed.

Mr. Phelps offered the following resolution :

Resolved, That a Committee of three be appointed to inquire into the expediency and probable cost of building a State Prison of sufficient capacity for the confinement and safe keeping of at least five hundred convicts, at or near Mormon Island, in the county of Sacramento, and of the granite found in that vicinity, and report to this Assembly as soon as practicable.

Laid on the table

Mr. Smith, of Marin, moved to reconsider the vote just taken.

Agreed to.

On motion of Mr. Phelps, the resolution was laid on the table.

Mr. Smith, of Marin, offered the following resolution :

Resolved, That the Sergeant-at-Arms be and is hereby instructed to draw his warrant in favor of J. F. Houx, for the time he served as Assistant Door-keeper.

Mr. Moreland, Chairman, made the following report:

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed An Act to prohibit Lotteries, Raffles, Gifts, Enterprises and other Schemes of or a like character.

Also, An Act amendatory of an Act concerning County Recorders, passed March 26, 1851.

Also, An Act concerning Attachments, when the people of the State are Plaintiffs.

Also, An Act concerning the Records in the office of the County Recorder of San Francisco.

And also An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 15, 1854.

MORELAND,

Chairman.

Mr Wells moved to reconsider the vote by which Senate bill No. 39 was passed on Saturday last.

Not agreed to.

Mr Smith, of Marin, moved to adjourn.

Whereupon, Messrs. Kinney, Smith of Marin, and Watkins, demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Bates, Beatty, Bogardus, Brewton, Brown of Nevada, Burke, Cook, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Foster, Ferguson, Gaver, Keys, McCurdy, Meredith, Oxley, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Updegraff, Vineyard, Waite, and Mr. Speaker—29.

Those who voted in the negative were—

NOES.

Messrs Arrington, Adkison, Corv, Chase, Douglas, Farwell, Gaylord, Geller, Gober, Graves, Hunt, Johnson of El Dorado, Jones, Kinney, Mellus, Murdock, Palmer, Phelps, Quinn, Ryland, Watkins, and Wells —22.

So the House adjourned until 10 o'clock, A. M.

IN ASSEMBLY.

TUESDAY, March 13, 1855.

House met pursuant to adjournment.

The Speaker in the Chair.

Roll called, and the following members were absent:

Messrs. Chase, Covarrubias, Dana, Flournoy, Mellus, Stewart, and Taylor.

Mr. Lincoln was granted leave of absence for one day.

Journal of yesterday was read and approved.

Mr. Johnson, of El Dorado, presented a petition for the enactment of a law for the protection of persons engaged in gardening and horticultural pursuits.

Read and referred to the Committee on Agriculture.

Mr. Buike presented a petition from citizens of Mariposa county, relative to a division of said county.

Read, and referred to the Committee on Counties and County Boundaries.

Mr. Wells introduced a bill for An Act to amend the four hundred and second Section of an Act entitled an Act to regulate proceedings in the Courts of Justice of this State, passed April 29, 1851.

Read first and second time, and referred to Judiciary Committee.

Mr. Palmer introduced a bill for An Act to punish Vagrants, Vagabonds, and dangerous and suspicious persons.

Read first and second time, and referred to Committee on Vice and Immorality.

Mr. Sherrard introduced a bill for An Act to authorize the Board of Supervisors in and for the County of Sutter to levy a special tax for the erection of public buildings in said county.

Read first and second time, and referred to Sutter delegation.

Mr. Foster introduced a bill for An Act to protect the owners of growing crops, buildings, and other improvements in the mining districts of this State.

Read first and second time, and referred to Select Committee of five, and ordered printed.

Mr. Oxley introduced a bill for An Act to provide for the settlement of the

affairs of the State Marine Hospital, at San Francisco, and to dispose of the property belonging to the same, and also to provide for the Indigent Sick remaining therein on the first day of April, 1855.

Read first and second time, and referred to the Committee on Hospitals.

Mr. Smith, of Marin, introduced a bill for An Act to authorize the Board of Supervisors in and for the County of Marin to levy a special tax for the erection of Public Buildings in said county.

Read first and second time, and referred to Marin delegation.

Mr Hosmer introduced a bill for An Act to change the name of John Clark Patt to John Patt Clark

Read first and second time, and referred to the San Francisco delegation.

Mr. Johnston, of San Francisco, introduced a bill for An Act to regulate the Fees of Coroner in the County of San Francisco.

Read first and second time, and referred to San Francisco delegation.

Mr. Arrington gave notice, that he would introduce a bill for An Act for the relief of citizens of Klamath county engaged in subduing Indian hostilities in said county.

Mr. Ryland made the following report:

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 239, for An Act amendatory of an Act defining the time for commencing Civil Actions, passed April 22, 1850, having had the same under consideration, beg leave to report it back with an additional section, and recommend its passage.

RYLAND,

Of Committee.

Assembly bill No. 239, reported above, was ordered on file

Mr Ryland made the following report .

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 91, for An Act in relation to Estates of Joint Tenancy, having had the same under consideration, report it back without amendment, and recommend its passage.

RYLAND,

Of Committee.

Assembly bill No 91, reported above, was placed on file under the rule.

Mr Ferrell made the following report .

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 238, to amend the law concerning Marriages, have had the same under consideration, and

believing the amendment proposed will not effect any practical good, have instructed me to report the bill back to the House, and recommend its indefinite postponement.

FERRELL,
Of Committee

Assembly bill No. 238, reported above, was placed on file.

Mr Baker gave notice that he would, on to-morrow, or some subsequent day, introduce a bill for An Act to provide for locating and constructing a Wagon Road from the city of Stockton to the eastern boundary line of this State.

Also, a bill to organize the County of Kern

Also, a bill to define the Northern Boundary Line of Tulare county.

Also, a bill to repeal An Act entitled an Act to regulate Rodeos, passed April 30, 1851, so far as the same relates to Tulare County.

Also, a bill to amend An Act entitled an Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin.

Mr. Waite verbally reported certain claims of the San Francisco Herald and California Chronicle, newspapers, recommending their payment.

Report was adopted.

Mr. Whitney made the following report .

Mr. Speaker:

The Committee on Corporations, to whom was referred Assembly bill No. 203, have, according to order, had the same under consideration, and have directed me to report the same back to the House without amendment, and respectfully recommend its passage.

WHITNEY,
Chairman.

Assembly bill No. 202, reported above, was ordered on file.

Mr. Whitney made the following report :

Mr. Speaker:

The Committee on Corporations, to whom was referred Assembly bill No. 167 have, according to order, had the same under consideration, and have directed me to report the same back to the house with sundry amendments, and respectfully recommend its passage.

WHITNEY,
Chairman.

Assembly bill No. 167, reported above, ordered on file.

Mr. Mellus verbally reported Senate bill No. 77, An Act appropriating money for the payment of Frank Denver for services rendered in making repairs on State Capitol, and recommended its passage.

Laid over under the rules.

Mr. Knox verbally reported Assembly bill No. 241, An Act to provide for the construction of a Wagon Road from the Sacramento Valley to the Eastern Boundary of the State, recommending its passage.

Laid over under the rules.

Mr. Keys made the following report :

Mr. Speaker:

The Special Committee appointed to visit the State Prison, consisting of Messrs. Dana, Kinney, Curtis, and Smith of Marin, have performed the duty assigned them, and are entitled to one hundred and twenty dollars each, as mileage.

KEYS,
Chairman.

Adopted

Mr. Phelps verbally reported Assembly bill No 62, An Act to prohibit the sale and manufacture of spirituous and intoxicating Liquors, made the special order for one week from Wednesday next.

Mr. Ferrell made the following report :

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 235, entitled An Act to provide for the protection of Foreigners, and to define their liabilities and privileges, passed March 30, 1853, have duly considered the same, and instruct me to report the same back to the House with an amendment, and recommend its passage.

FERRELL,
Of Committee.

Assembly bill No. 235, reported above, was ordered on file.

Mr. McCutchan made the following report :

Mr. Speaker :

The Special Committee, to whom was referred Assembly bill No. 174, have directed me to report the same back without amendment, and recommend its passage.

McCUTCHAN,
Chairman.

Assembly bill No. 174, reported above, laid over under the rules.

Mr. Cammet made the following report :

Mr. Speaker:

The Select Committee, to whom was referred a bill for the construction of a Bridge across Mission Creek, report the same amended, and recommend its passage.

CAMMET,
Chairman.

Assembly bill No. 223, reported above, was laid over under the rule.

Mr. Gober made the following report:

Mr. Speaker :

The Committee appointed by the Assembly to consider the purchase of a Library for the use of the Supreme Court of this State, have conferred with a like Committee appointed by the Senate, and recommend the appointment of a Joint Committee, to consist of two from the House and one from the Senate, to examine the Library of Mr. Olds, in the city of San Francisco, and report to their respective Houses.

GOBER,
Of Committee.

Adopted.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, March 10, 1855. }

To the Senate and Assembly of California :

I have the honor herewith to transmit letters and petitions signed by a large number of respectable citizens of the County of Klamath, in relation to Indian murders and depredations committed in the northern part of this State.

It is proper here to state that I have been informed that the facts and circumstances detailed in the papers, herewith transmitted for your examination, have also been communicated to the distinguished officer in command of the Pacific Division of the United States Army and the Superintendent of Indian Affairs; and that an Agent has been appointed by the latter, with instructions to visit the section of the State where these outrages were committed, and with as little delay as possible, report the true condition of affairs to the officer first above named.

It is unquestionably the duty of the General Government to extend the protection required by the people residing in the northern part of the State, and now that the importance of the subject and the necessity for prompt action have been presented for the consideration of the proper officers of the National Government, it is hoped that measures will immediately be adopted by them, not only to afford to life and property protection for the present, but such as will for all time to come, put an end to Indian aggressions and secure a lasting peace.

It will be seen by reference to the letter of Capt. H. W. Judah, the officer in command of the United States troops at Weckpeck, addressed to me and herewith transmitted, that the force under his command is small, and that the additional force suggested is "absolutely necessary to the quieting of the existing disturbances on the (Klamath) River and vicinity."

In compliance with the wishes of the petitioners, and in order that you may be fully informed on the subject, and, if deemed necessary, take action in the premises, copies of the letters and petitions are herewith transmitted, and the facts detailed commended to your immediate and careful consideration.

JOHN BIGLER.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate, Saturday last, in compliance with the request of the Assembly, appointed a Committee of Conference, consisting of Messrs Keene, Lippincott, and Hawks, to confer with a similar committee appointed by the Assembly upon an amendment made by the Assembly to the second section of Senate bill No 5, entitled An Act in relation to the Contingent Expenses of the Legislature

Also, that they passed Assembly bill No. 107, entitled An Act to prohibit barbarous and noisy Amusements on the Christian Sabbath.

Also, that they passed Senate bill No 109, entitled An Act authorizing the Governor of this State to transmit to the Secretary of War, at Washington City, a statement in relation to the War Debt of California.

WM. A. CORNWALL,
Secretary Senate

Senate bill No. 109, An Act authorizing the Governor of this State to transmit to the Secretary of War, at Washington city, a statement in relation to the War Debt of California.

Read first and second time, and referred to the Committee on Ways and Means

On motion of Mr Douglas, the resolution relative to changing the hours of meeting of the Assembly was taken from the table, and again laid upon the table.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly, that the Senate passed yesterday Assembly bill No. 224, entitled An Act to fund the Indebtedness of the State, existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the thirtieth day of June, A. D. 1853, and the first day of July, A. D. 1855.

WM. A. CORNWALL,
Secretary of Senate.

Mr. Smith, of El Dorado, offered the following resolution :

Resolved, That Mr. Cunningham, of Sierra, be added to the Committee on Military Affairs.

Adopted.

Mr. Watkins made the following report :

Mr. Speaker :

The Committee, on whom was imposed the duty of examining the rooms and vaults in the basement story of the building now used as the Capitol of the State, and to ascertain their fitness for the offices of Treasurer and Controller of State, beg leave respectfully to report, that they proceeded to the examination of two rooms, in size eighteen by sixteen feet, having large and convenient vaults adjoining thereto, and found these vaults perfectly fireproof and well constructed for the reception of

such safes and desks as may be required for the deposit and safe keeping of the moneys of the State, and the security of the books and papers of its officers. The Committee having come to the conclusion, from the examination, that the said rooms and vaults were well adapted to their respective purposes proceeded to inquire into the probability of procuring, at an early day, such a safe for the deposit and safe keeping of the public money, as would insure it against any probable successful attempt on the part of thieves to enter it in such limited time as to escape detection, and they are enabled to state, that such a one can be procured, the plan whereof, with the cost of construction, will be submitted in a few days. From an examination of this plan, it will be seen, that such is its peculiar construction and strength, and such the wonderful mechanism of its locks, as to defy all entrance into its vaults. Even if a combination of thieves should succeed in an attack upon the clerks into whose possession the keys might be confided, and overpower them, and take from them the keys to said safe, they still would be unable to enter it.

The Committee, therefore, consider and recommend the vaults and safe aforesaid as a convenient, secure, and suitable place for the deposit and safe keeping of the public money.

It is proper, in this connexion, to remark, that the usefulness of this safe will not be limited to the present time, but that it will be useful and needed by the State in all time to come, and can be removed to the new State building whenever it shall be thought expedient to erect one. The rooms are pleasantly situated, convenient and suitable for the offices of Controller and Treasurer, and will afford comfortable and ample accommodations for them and their clerks, in securing their books and papers, and in executing the business of their respective offices.

For the privilege and right to occupy the rooms and vaults for the purposes above indicated, reference is made to the letter of the Hon. John Heard, Judge of the County of Sacramento, herewith appended, from which it will be seen that the entire building now used as the Capitol is placed in the occupancy and use of the Legislature at its pleasure.

All of which is respectfully submitted to the favorable consideration of the Assembly. By order of the Committee.

WATKINS,
Chairman.

Report adopted, and referred to the Committee on Accounts and Expenditures, with instructions to report a bill.

Assembly bill No. 160, An Act to prevent Animals from trespassing on Private Property, was taken from the table, committee amendments concurred in, and the bill ordered engrossed.

Assembly bill No. 187, An Act amendatory of an Act passed March 23, 1850, entitled an Act to regulate Elections—

Read third time, and on its passage, Messrs. Farwell, Watkins, and Oxley, demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Adkison, Bates, Brewton, Buffum, Burke, Cammet, Chase, Clayton, Coombs, Curtis, Douglas, Doughty, Farley, Farwell, Ferrell, Ferguson, Gaver, Gaylord, Gober, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Ryland, Sherrard, Smith of El Dorado, Updegraff, Watkins, Waite, Whitney, Mr. Speaker—42.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Baker, Beatty, Bogardus, Brown of Nevada, Cory, Cunningham of Sierra, Foster, Geller, Kinney, McCutchan, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of Marin, Vineyard, Wells—20.

So the bill passed.

Mr. Farwell moved to reconsider the vote just taken.

Mr. Kinney moved to lay the motion on the table, whereupon,

Messrs. Farwell, Kinney and —— demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Baker, Beatty, Bogardus, Cunningham of Sierra, Douglas, Geller, Kinney, McCutchan, Murdock, Palmer, Quinn, Stevenson, Singley, Smith of El Dorado, Wells—7.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Adkison, Bates, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Cory, Clayton, Coolabs, Cook, Cunningham of El Dorado, Dougherty, Edwards, Farley, Farwell, Ferrell, Foster, Ferguson, Gaver, Gaylord, Gober, Graves, Graeg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, McCurdy, Mellus, Meredith, Moreland, Oxley, Phelps, Rowe, Ryland, Sherrard, Smith of Marin, Stewart, Updegraff, Vineyard, Watkins, Waite, Whitney, Mr. Speaker—48.

The motion to reconsider was lost.

Assembly bill No. 204, An Act to change the Time of holding the different Courts authorized to be held by the County Judge in the County of Yolo.

Read third time and passed.

Assembly bill No. 209, An Act supplementary to an Act defining the Time for commencing Civil Actions in certain cases, passed May 4, 1852.

Read third time and passed.

Mr. Wells made the following report from the Committee of Conference :

Mr. Speaker :

The Committee of Conference upon the disagreeing vote of the two Houses upon the bill for an Act in relation to the Contingent Expenses of the Legis-

lature, have conferred together, and agree to recommend to the Assembly to recede from their amendment to the second section.

F. WELLS,
D F DOUGLAS,
E BURKE,
Assembly.
B. F KEENE,
C. E. LIPPINCOTT,
Senate.

Adopted.

Assembly bill No. 19, An Act concerning the Salaries of Officers and Pay of Members of the Legislature.

Mr. Watkins moved to strike out "twelve" and insert "ten" in section third, upon which,

Messrs. Kinney, Ryland and Watkins demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Adkison, Buffum, Burke, Cammet, Cory, Clayton, Coombs, Cook, Douglas, Doughty, Ferrell, Gober, Graves, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Vineyard, Watkins, Waite, Wells, Whitney—36.

Those who voted in the negative were—

NOES.

Messrs Amyx, Arrington, Baker, Bates, Beatty, Bogardus, Brewton, Brown of Nevada, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Farley, Farwell, Foster, Ferguson, Gaver, Gaylord, Geller, Gragg, Hosmer, McCutchan, McCurdy, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Updegraff, Mr. Speaker—29.

So the amendment was adopted

Mr. Watkins moved to strike out "sixteen" and insert "fourteen" in section third.

Agreed to.

Mr. Buffum gave notice that he would move a re-consideration of the vote just taken, on to-morrow, which the Chair ruled out of order.

Mr Buffum appealed from the decision of the Chair.

The ruling of the Chair was sustained.

Mr. Ryland moved to amend the seventh section so as to have it take effect on the first day of September next.

Mr. Buffum moved to amend the amendment by adding "with the exception of the sections reducing the pay of members of the Legislature, which shall take effect from and after the day of the passage of the bill ;" upon which,

Messrs. Buffum, Arrington and McCurdy demanded the ayes and noes.

Mr. Stevenson moved the previous question.

Sustained.

The question then recurred on Mr. Buffum's amendment, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Arrington, Adkison, Bates, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Cory, Clayton, Coombs, Cook, Covarrubias, Curtis, Douglas, Doughty, Farley, Farwell, Ferrell, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, McCurdy, Mellus, Meredith, Murdock, Oxley, Phelps, Quinn, Ryland, Sherrard, Singley, Smith of Marin, Stewart, Updegraff, Vineyard, Watkins, Wells, Whitney, Mr. Speaker—53.

Those who voted in the negative were—

NOES.

Messrs. Baker, Beatty, Bogardus, Cunningham of El Dorado, Cunningham of Sierra, Hunt, McCutchan, Palmer, Stevens, Stevenson, Smith of El Dorado, Waite—12.

So the amendment was adopted.

Messrs. Ferrell, Stevenson and Amyx demanded the ayes and noes on the adoption of Mr. Ryland's amendment as amended, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Arrington, Adkison, Bates, Bogardus, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Curtis, Doughty, Farley, Ferrell, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Gragg, Hosmer, Johnson of El Dorado, Keys, McCurdy, Mellus, Meredith, Murdock, Oxley, Phelps, Quinn, Rowe, Sherrard, Singley, Smith of Marin, Stewart, Updegraff, Vineyard, Wells, Whitney, Mr. Speaker—48.

Those who voted in the negative were—

NOES.

Messrs. Baker, Beatty, Cunningham of Sierra, Dana, Farwell, Graves, Hunt, Johnston of San Francisco, Jones, Kinney, McCutchan, Palmer, Stevens, Stevenson, Smith of El Dorado, Watkins, Waite—17.

So the amendment was adopted.

Messrs. Ryland, Johnston of San Francisco and Buffum demanded the ayes and noes on the engrossment of the bill, with the following result :

Those who voted in the affirmative were—

AYES

Messrs Andrews, Arrington, Baker, Bates, Brown of Nevada, Buffum, Burke, Cammet, Cory, Clayton, Coombs, Cook, Covarrubias, Curtis, Dana, Farley, Farwell, Ferrell, Foster, Ferguson, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, McCutchan, McCurdy, Mellus, Meredith, Oxley, Palmer, Phelps, Quinn, Ryland, Stevenson, Sherrard, Singley, Smith of El Dorado, Stewart, Updegraff, Vineyard, Watkins, Wells, Whitney, Mr. Speaker—51.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Beatty, Bogardus, Brewton, Cunningham of El Dorado, Cunningham of Sierra, Douglas, Gaver, Hunt, Smith of Marin, Waite—11.

So the bill was ordered engrossed.

Mr Ryland moved to reconsider the vote just taken.

Mr Arrington moved to lay the resolution on the table.

Not agreed to.

Messrs Buffum, Brown of Nevada, and Cammet, demanded the ayes and noes on Mr. Ryland's motion, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Beatty, Bogardus, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Foster, Gaver, Hunt, Stevens, Stevenson, and Vineyard—12.

Those who voted in the negative were—

NOES

Messrs. Andrews, Amyx, Baker, Bates, Brown of Nevada, Buffum, Burke, Cammet, Cory, Clayton, Coombs, Cook, Covarrubias, Curtis, Douglas, Farley, Farwell, Ferrell, Ferguson, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, McCutchan, McCurdy, Mellus, Meredith, Oxley, Palmer, Phelps, Quinn, Ryland, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Updegraff, Watkins, Waite, Wells, Whitney, and Mr. Speaker—50

So the motion to reconsider was lost.

Assembly bill No 94, An Act for the better protection of Settlers, special order for this day at 12 o'clock, was passed over.

On motion, the House resolved itself into Committee of the Whole, Mr. Gober in the chair, to consider the special order for one o'clock this day, Assembly bill No 73, An Act to suppress Gaming.

Committee rose, reported the bill back, and recommended that there be a call of the House.

The Speaker being absent, on motion, Mr. Douglas was called to the Chair.

A call of the House being ordered, the following members were absent:

Messrs. Brown of Nevada, Buffum, Cunningham of El Dorado, Cunningham of Sierra, Farley, Gaver, Geller, Hunt, Keys, McCutchan, Moreland, Oxley, Quinn, Ryland, Sherrard, and Smith of El Dorado.

Mr. Smith of El Dorado, and Cunningham of Sierra, appeared at the Bar, and, on motion, were admitted, excuses heard, and fined six bits each.

Messrs. Keys and Burke appeared at the bar, were admitted, and fined one dollar each.

Mr. Arrington moved to suspend further proceedings under the call.

Not agreed to.

Mr. Brown of Nevada, and Mr. Ryland, appeared at the bar, and on motion were admitted, their excuses heard, and were fined one dollar each.

Mr. Ferrell moved that further proceedings under the call be suspended.

Not agreed to.

Mr. Quinn appeared, on motion was admitted, excuse heard, and fined six bits.

Mr. Hunt appeared, was admitted, and excused.

On motion of Mr. Doughty, the call of the House was dispensed with.

Mr. Stevenson offered the following resolution:

Resolved, That each member absent when there shall be a call of the House, shall pay to the Sergeant-at-Arms the sum of one dollar.

Laid over under the rules.

The proceedings under the "call" having been dispensed with, the House again resolved itself into Committee of the Whole, Mr. Gober in the chair, to further consider the bill, which was amended.

Committee rose, reported, recommended, and were discharged.

The substitute and Committee amendments were adopted, and the bill ordered engrossed.

Mr. Smith, of Marin, according to notice, moved to reconsider the vote taken on yesterday, by which the resolution was adopted, limiting the time for the introduction of bills to the 26th inst.

Upon which, Messrs. Wells, Ryland, and Arrington, demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Beatty, Bogardus, Brown of Nevada, Buffum, Burke, Cammet, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Farley, Ferrell, Foster, Ferguson, Gaver, Johnston of San Francisco, Meredith, Oxley, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Vineyard, and Whitney—27.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Adkison, Baker, Clayton, Cook, Covarrubias, Dana, Douglas, Farwell, Gaylord, Gober, Graves, Gragg, Hosmer, Jones, Keys, Kinney, Lincoln, McConnell, McCurdy, Moreland, Murdock, Palmer, Phelps, Quinn, Ryland, Stevens, Updegraff, Watkins, Waite, Wells, and Mr. Speaker—32.

So the motion to reconsider was lost.

The following message was received from the Senate :

Mr Speaker :

I am directed to inform the Assembly that the Senate have this day concurred in amendments made by the Assembly to Senate bill No. 16, entitled An Act to repeal an Act entitled an Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in this State.

Also, that they have concurred in amendments made by the Assembly to Senate bill No. 3, entitled An Act concerning the office of Treasurer of State.

Also, that they have adopted the report of the Committee of Conference, to whom was referred Senate bill No. 5, entitled An Act in relation to the Contingent Expenses of the Legislature.

WM. A. CORNWALL,

Secretary Senate.

March 13, 1855.

Mr. Vineyard offered the following resolution :

Resolved, That the State Printer print for the use of this House 1,500 additional copies of the Marine Hospital report, with accompanying documents.

Laid over under the rules.

On motion of Mr. Oxley, the House adjourned.

IN ASSEMBLY.

WEDNESDAY, March 14, 1855.

House met pursuant to adjournment.

Speaker in the chair.

Roll called and the following members were absent:

Messrs. Covarrubias and Dana.

On motion, Mr. Dana was granted indefinite leave of absence, on account of sickness.

The Journal of yesterday was read, amended and approved.

Mr. Arrington introduced a bill for an Act for the Relief of Citizens in Klamath County, who have been engaged in subduing Indian Hostilities in said County.

Read first and second time and referred to a select Committee of five—Messrs. Arrington, Curtis, Bates, Murdock and Singley.

Mr. Baker introduced a bill for an Act to provide for locating a Wagon Road from the City of Stockton to the Eastern Boundary Line of this State.

Read first and second time and referred to a select Committee from each county named in the bill.

Messrs. Baker, Keys, Cook, Burke, Mellus and Hunt were appointed the Committee.

Mr. Baker introduced the following bills :

An Act to organize the County of Kern.

Read first and second time and referred to Committee on Counties and County Boundaries.

A bill for an Act to define the Northern Boundary Line of Tulare County.

Read first and second time and referred to Tulare and Mariposa delegations.

A bill for an Act to repeal an Act entitled An Act to regulate Rodeos, passed April 30, 1851, so far as relates to Tulare County.

Read first and second time and referred to Committee on Agriculture.

A bill for an Act to amend an Act entitled An Act to provide for the construction of a Canal from Tulare Lake to the Waters of the San Joaquin.

Read first and second time and referred to the Tulare and Mariposa delegations.

Mr. Curtis introduced a bill for an Act to fix the Compensation of the County Judges of Siskiyou and Klamath, and to repeal, in part, the first section of an Act entitled An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed May 17, 1853.

Read first and second time and referred to Judiciary Committee.

Mr. Edwards introduced a bill for an Act supplementary to and amendatory of an Act entitled An Act concerning Conveyances, passed April 16, 1850.

Read first and second time, referred to Judiciary Committee and ordered printed.

Mr. Arrington gave notice that he would introduce a bill for an Act for the construction of a Wagon Road from Crescent City to Illinois Valley.

Mr. Farwell gave notice that he would introduce a bill for an Act to define the Legal Settlement of Paupers, and to provide for their Support.

Mr. Gober verbally reported Assembly bill No. 37, An Act authorizing Common School Commissioners to raise Money for the erection of Buildings, suitable for School Purposes, and other School Contingent Expenses.

The bill was indefinitely postponed.

Mr. Bates made the following report :

Mr. Speaker :

The Hospital Committee, having had under consideration Senate bill No. 76, respectfully ask leave to report, and recommend its passage as amended.

The Hospital Committee, also having had under consideration Assembly bill No. 250, ask leave to report, and recommend the passage of the bill as amended.

Also, Assembly bill No. 218, and ask leave to report a substitute for said bill and recommend its passage.

BATES,

Of Committee.

The bills above reported were ordered on file.

Mr Waite, Chairman, made the following report :

Mr. Speaker :

The Committee on Claims, after a careful consideration of the claim laid by the city of Sacramento, through the petition of C. J. Hutchinson, on behalf of the said city against the State of California, would respectfully offer the following report :

The claim laid by the City of Sacramento against the State of California amounts to the sum of \$144,295 52, which amount, it is alleged, was expended by the said city, between the 6th day of December, 1849, and the 3d day of May, 1851, for and on account of the sick and destitute not residents of the city or county of Sacramento, and for the proper interment of those of this class who died within the dates above mentioned

On account of the large amount claimed, the Committee have examined into the nature and cause of the claim, with the closest scrutiny, and the facts they have elicited show the large expenditures made by the City of Sacramento were necessarily made, to meet the exigencies of the times, during the first years in the history of California, so strange and unprecedented in the annals of the world, when the hordes of worn out and scorbutic immigrants from the plains, alike with the pilgrims to the shrine of Mammon enervated with long and tedious voyages around Cape Horn, by the Isthmus routes, from the shores of Asia and the isles of the ocean, came pouring upon the Pacific coast.

It is well known that Sacramento, for apparent reasons, was the point to which the newly arrived immigrants converged. The wearied, enervated and scurvy-stricken immigrant from the plains, finding no comforts or scarcely the necessaries in the mines, none of those attentions so essential to recuperate exhausted nature, no house to shelter him from the hot sun by day, or protect him from the cold by night, and no medical aid, such was the infatuation of all classes and professions, that digging was the only way to realize their highest hopes, was forced to seek a shelter, a temporary home and charity at the hands of the citizens of the Valley City.

And, too, of the voyagers from all parts of the world, who came by thousands through the Golden Gate to the city of San Francisco, such was the all powerful influence of the mines, that few remained in that city, but took an early passage to the great centre of mining trade, Sacramento. The rich placers along the foot-hills of the Sierras was the goal which even every debilitated stranger on our shores spent his last dollar to reach. If an exhausted purse or an exhausted nature compelled him to stop short of the object of his hopes, the place of his temporary sojourn, in nine cases out of ten, was Sacramento.

Thus, Sacramento, from her local position and the force of circumstances, became a hospital for the entire coast, a lazar house of indigence and disease. During the entire summer and part of the autumnal months of 1849, the sick and destitute were dependent on the charity of private individuals, and the heavy burden was borne by the generous-hearted Sacramentans till the 13th of October in that year, when a temporary or city charter was formed, under which the city was governed until the adoption of a charter under the State Constitution, April 1, 1850, which legalized all the acts of the previous one which it superseded.

Under the "People's Charter," much active charity was dispensed by the city to the indigent and sick, who came flocking in from every direction, and, under that charter, the claim laid by the City of Sacramento against the State commenced.

The early rains of 1849—no adequate protection having been provided against them—aggravated the miseries of the suffering, and brought on fevers of a malignant type, which swept numerous victims to the grave. Such was the wide-spread misery and suffering, that, notwithstanding the activity and humane efforts of the city authorities, the assiduous attention and untiring devotion to the cause of humanity on the part of the Odd Fellows and Masons, and the princely and constant contributions by private citizens, no amount of charity which the people of Sacramento were able to bestow, could relieve the wants and necessities of her sick and indigent population. Application was made, in this season of calamity, to the military Governor of California, in vain; and thus, when the sympathies and assistance of a nation were invoked and needed, Sacramento was thrown upon her own resources, crippled as they were with constant drainings, and with an empty treasury and bankruptcy staring her in the face, such were the enormous rates of interest at that period, redoubled her efforts and attempted to dispel the gloom of the overshadowing affliction, and, though everything around seemed to say *die*, she lifted her weak yet willing arm to save.

But Sacramento was doomed to still worse calamities. Early in 1850, the waters of the river came pouring in upon the city, destroying lives as well as an immense amount of property, and heightening, to an incredible degree, the suffering of the diseased and indigent, besides imposing a still heavier burden upon the holders of property left by the flood, and calling more loudly for immediate and active assistance from the authorities, in removing to places of safety the suffering and needy, and procuring the necessary medical aid and attendance, and for the burial of the dead.

During the summer of 1850, such was the influx of immigrants, into the State—a large proportion of which centered for a time at Sacramento—that many poor, debilitated subjects for the hospital were, from necessity, thrown upon the liberality, care and support of the City Government.

The records of the times and the facts brought before the Committee show conclusively that, during the year 1850 alone, the City of Sacramento disbursed, for charitable purposes, over \$200,000, besides the constant depletion of the

purses of private individuals by hapless mendicants, who met them at every corner. In October of that year, that direful scourge, the Asiatic cholera, came to California and swept Sacramento with the besom of destruction. The impoverished stranger, debilitated by an arduous voyage or a tedious journey, dejected with want, exiled from the comforts of home, and feeling that he was a stranger in a strange land, became an easy prey to the epidemic destroyer. Hundreds, thus, in a few short weeks, filled a stranger's grave, leaving nothing behind them but a debt to the city that performed the last acts of kindness and consolation and granted them the rites of a Christian sepulture. And for all this Sacramento now asks a partial remuneration at the hands of this Legislature.

The Committee are satisfied of the fact, that the large amount expended, considering the nature of the times, was not lavishly expended, but, as a general thing, less prices were paid by the city than by individuals for the same services and articles: that the sums alleged to have been disbursed, were actually paid; that they were paid in money, and for the purposes set forth in the petition and accompanying papers referred to the Committee by the House; that the whole amount of \$144,295 52, was paid to furnish necessary comforts, medical aid and attendance, to the suffering sick and needy from all parts of the State as well as all parts of the world, and for the proper burial of persons of this class. While it is true, that Sacramento had no legal right to assume the duties, responsibilities, and liabilities, which she now contends belonged to the State at large, yet to have done less than she did do, would have branded her citizens with lasting infamy and disgrace. She could not and did not let the forlorn and distressed stranger die neglected in her streets, but gave alike to them and to her own citizens in distress to the last dollar, and then pledged her credit for immense sums to bestow alms, and under the heavy debt thus created, with its accumulating interest, she is groaning to this day. It was one of those rare cases in the history of a State, that required prompt and efficient action, and it seems that Sacramento put forth her best and noblest efforts to meet the ends the crisis demanded. To have delayed or hesitated would have largely swollen the list of victims.

The justice of the claim, in the opinion of the Committee, is enhanced by the unhesitating and self-sacrificing alacrity with which the City of Sacramento took upon herself the responsibilities fit only for a nation to assume. It has been proved, to the satisfaction of the Committee, that in addition to the large amount expended by the City between the 6th day of December, 1849, and the 3d day of May, 1851, for the relief of strangers within her limits, about \$125,000 was disbursed within the same dates to the sick and indigent of her own population.

Besides, it has been proven, that about \$120,000 have been paid in interest on the claim which the city prefers against the State, and that no higher rates were paid than three per cent per month prior to the 15th day of June, 1851, and no more than twelve per cent per annum since that time. It is also proven, and is apparent from the papers examined by the Committee, that about \$95,000 of the amount claimed was actually expended before California was admitted into the Union, and before any legal municipal government, recognised by the laws of the United States, existed. It was at that time, when the advantages of a Territorial government should have been extended to California, and when, had such a government existed, the fostering care and aid of the Federal Union would have been justly required, and which that Union would have been bound to extend to the suffering City of Sacramento.

The General Government has, on one occasion, sent our vessels of war at the national expense to relieve the starving in a foreign land, how much more is she in duty bound to lend the aid of her mighty arm to relieve the distressed on her own soil, especially when in so doing she is assisting to build up on the shores of the Pacific one of the mightiest empires on which the sun ever shone.

It is represented, and the information before the Committee sustains the conclusion, that while there is no hope that Congress will afford any relief to Sacramento in the case in question, it is not certain that the State, having assumed the claim, might not procure its allowance by the General Government. Such was the opinion of the Legislature of 1853, in the case of C. E. Pickett, whose claim was a precisely similar one to that for which Sacramento now seeks reimbursement. That Legislature took care to exact a relinquishment from Pickett of his claim on the United States to the State of California.

In addition to the claim of Pickett, other precedents are cited, where the State has allowed claims of a similar nature. On one occasion, money was appropriated to the city of San Diego, and another instance is familiar to all, where the State allowed a claim of \$27,000 to William Waldo for money and services expended mainly out of the State. Surely the State is not less obligated to take care of her suffering population, than of those who have not yet become citizens.

In short, the Committee are convinced that a majority of those who were the recipients of the liberality of Sacramento, were not citizens properly of *any county* of this State. They had generally but just arrived in the State, and while it is probably true that they had been long enough within its boundaries to have become citizens of the State, it is not probable that they had acquired citizenship in any county.

If then they were not citizens of Sacramento, the taking care of whom required these heavy expenditures, unless the argument is valid that any city or town, which, from its locality or other circumstances must become the common receptacle of the needy of the State, a pest and dead house for every body—obliged to take care of and bury the paupers of any and all other cities or towns, how can it be urged with any plausibility or reason that the State should disregard the petition of the City of Sacramento?

Citizens of the State were, in a majority of instances, the recipients, and out of the general revenues of the State should come, in the opinion of the Committee, the funds to meet these expenditures.

It may be urged that the allowing of this claim will establish a precedent, and open the door to other similar ones to such an amount as to impoverish the exchequer of the State; and that it is not a wise policy to admit a claim of this nature to danger or injury of our finances. If it is not a *wise policy*, in a pecuniary point of view, to the Committee it seems that the object and design of every *wise* government should be exact justice to every citizen and every portion of the State. And as to the establishing of a precedent, by reference to the cases of Pickett, Waldo, &c., it will be seen we are but following precedent already established. It will be seen, by reference to the Acts of the Legislature of 1851, that the State has acknowledged the validity of the claim as against the General Government, by the passage of a joint resolution instructing our Representatives to procure its payment by Congress.

The Controller of State, in his report of last year, virtually admits the justness of the claim against the State, and substantially recommends its payment so soon as the condition of the Treasury shall authorize it.

The embarrassing condition of the finance of the State has induced the Committee to be the more diligent in endeavoring to discover some good grounds on which to invalidate the claim. Data have been sought, from the expenditures of other cities and places in the State for like purposes, from which the deduction might be drawn, that Sacramento had suffered in common with her sister cities, and to no greater extent. But no such data have been produced, and no one who was an eye-witness of the scenes of 1849 and '50 in Sacramento, will believe that the city was otherwise than a grand lizaretto for the State.

Your Committee are, therefore, compelled to report in favor of allowing the principal of the claim under consideration, and ask the favorable action of the Assembly on the accompanying bill.

Respectfully submitted,

E. G. WAITE, Chairman.
W. R. GOBER.
J. G. BREWTON.
H. M. C. BROWN.
H. P. A. SMITH.

Ordered printed.

The bill above reported by the Committee, An Act for the relief of the city of Sacramento, was made the special order for Tuesday next, at 12 M.

Mr. Waite verbally reported Senate bill No. 75, An Act appropriating money to pay Louis Bartlett for services rendered the State.

Ordered on file.

Mr. Gober, from the Committee on Vice and Immorality, introduced a bill for An Act to require the closing of Business Houses in certain Counties of this State on the first day of the week, commonly called Sunday.

Read first and second time, and ordered on file.

Mr. Cunningham, of Sierra, made the following report

Mr. Speaker :

The Committee, to whom was referred Assembly bill No. 228, beg leave to report a substitute for the same, and recommend its passage.

CUNNINGHAM,

Chairman.

Substitute for Assembly bill No. 228, reported above, was adopted, and ordered on file.

Mr. Flournoy made the following report :

Mr. Speaker :

The Select Committee, to whom was referred Assembly bill No. 63, An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, have had the same under consideration, and beg leave to report a substitute, and recommend that the blanks in the substitute be filled by the House.

FLOURNOY,

Of Committee.

Substitute for Assembly bill No. 63, reported above, was made the special order for Friday next, at 12 M.

Mr. Hosmer verbally reported Assembly bill No. 246, An Act to change the name of John Clark Patt to John Patt Clark, and recommended its passage

The bill was considered engrossed, read third time, and passed.

Mr. Gober offered the following resolution :

Resolved, by the Assembly, the Senate concurring, That a Joint Committee, consisting of three from the House and two from the Senate, be appointed to examine the Library of Mr. Olds, in San Francisco, and report as to the propriety of purchasing the same for the use of this State.

Adopted.

Messrs. Gober, Farley, and Farwell, were appointed the Committee on the part of the House.

Mr Phelps offered the following resolution :

Resolved, That during the remainder of the present session of the Legislature, the Assembly shall, on each day, hold a recess from one until two o'clock in the afternoon.

Laid on the table.

On motion of Mr. Stevenson, the resolution amending a standing rule of the House was taken from the table, and adopted.

On motion of Mr. Burke, the resolution relative to the appointment of a Reporter for this House was taken from the table.

Mr. Amyx moved to indefinitely postpone

On which, Messrs. Hosmer, Quinn, and Amyx, demanded the ayes and noes, which resulted as follows.

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Adkison, Bates, Bogardus, Brewton, Brown of Contra Costa, Brown of Nevada, Coombs, Cook, Covarrubias, Douglas, Edwards, Foster, Ferguson, Gober, Gragg, Hosmer, Kinney, Knox, McCurdy, Mellus, Moreland, Palmer, Quinn, Ryland, Sherrard, Smith of El Dorado, Updegraff, Vineyard, Waite, Whitney, and Mr Speaker—33.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Baker, Beatty, Buffum, Burke, Cammet, Cory, Chase, Clayton, Cunningham of Sierra, Curtis, Doughty, Farley, Farwell, Ferrell, Flournoy, Gaver, Gaylord, Graves, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, McCutchan, Meredith, Murdock, Oxley, Phelps, Stevenson, Singley, Smith of Marin, Stewart, Taliaferro, Taylor, Watkins, and Wells—37.

So the motion was lost.

Mr. Cunningham, of El Dorado, moved to strike out the name of Haskum and insert Upton.

A division of the question being called for, the motion to strike out was agreed to, and, on motion, the name of Upton inserted.

On motion of Mr. Kinney, the resolution was postponed till May 1st.

Mr. Smith, of Marin, offered the following resolution :

Resolved, That the communication of the Quartermaster General, made to the House some days since, be referred to the Committee on Military Affairs, with instructions to report a bill incorporating the views therein contained.

On motion, the resolution to print 1,500 additional copies of Committee report and accompanying documents of the State Marine Hospital, was taken from the table, and adopted.

Mr. Meredith, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment have examined, and find correctly enrolled, An Act to fix the time of holding the District Court in the Third Judicial District.

An Act supplementary to an Act entitled an Act concerning County Recorders, passed March 26, 1851

An Act authorizing J. Burkhalter, and such others as he may associate with him, to build and construct a Wagon Road from Corbett's Inn to the Cow and Calf Ranch, in the County of Mariposa.

An Act supplementary to an Act passed May 15, 1854, entitled an Act to fund the Debt of the County of Mariposa, and provide for the payment of the same.

An Act granting Edward DeWitt, and others, the right to construct a Toll Bridge across the Klamath river. And, also,

An Act extending the provisions of an Act entitled an Act giving the consent of the Legislature of the State of California to the purchase, by the United States, of land within this State for public purposes, to the grant heretofore made by Thomas O. Larkin and wife, Robert Semple and wife, and Bethuel Phelps, to the United States, of certain land adjoining the city of Benicia.

MEREDITH,

Chairman.

Assembly bill No 149, An Act concerning the Records in the Office of the County Recorder of San Francisco county, was taken up.

Read third time and passed.

Assembly bill No. 54, An Act to prohibit Lotteries, Raffles, Gifts Enterprises, and other schemes of a like character, was taken up.

Read third time and passed.

Assembly bill No. 38, An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 15, 1854—

Read third time and passed.

Senate bill No. 60, An Act to suppress Houses of Ill Fame—

Mr. Gaver moved to amend section 1, third line, by striking out the words, "or habitually frequent;" and in section 3, fourth line, by striking out the word "frequenting."

Upon which, Messrs. Smith of Marin, Adkison, and Kinney, demanded the yeas and nays.

Mr Kinney moved to lay the bill on the table.

On which, Messrs. Brown of Nevada, Knox, and Johnson of El Dorado, demanded the ayes and noes, resulting as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Adkison, Baker, Beatty, Clayton, Coombs, Cunningham of Sierra, Curtis, Flournoy, Ferguson, Gaver, Geller, Kinney, Knox, McCutchan, McCurdy, Meredith, Sherrard, and Taliaferro—19.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Arrington, Bates, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cammet, Cook, Covarrubias, Cunningham of El Dorado, Douglas, Doughty, Farwell, Ferrell, Foster, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Mellus, Moreland, Murdock, Oxley, Palmer, Ryland, Stevens, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taylor, Updegraff, Vineyard, Watkins, Waite, Wells, Whitney, and Mr. Speaker—48.

So the motion was lost.

Mr. Stevenson moved the previous question.

Sustained.

On motion of Mr. Kinney, the special order for to-day was passed over temporarily.

Mr. Smith, of Marin, moved to refer the bill to a Special Committee of five, with instructions.

The question was taken on the motion to refer.

Lost.

The question then recurring upon the amendment offered by Mr. Gaver, the ayes and noes were taken with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Baker, Bates, Bogardus, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Cunningham of Sierra, Doughty, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Gragg, Hosmer, Hunt, Jones, Keys, Kinney, Knox, McCurdy, Meredith, Murdock, Oxley, Sherrard, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Updegraff, and Waite—36.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Adkison, Buffum, Cammet, Cory, Chase, Clayton, Coombs, Cook, Covarrubias, Curtis, Douglas, Foster, Geller, Gober, Graves, Johnson of El Dorado,

Johnston of San Francisco, Lincoln, Phelps, Quinn, Ryland, Stevens, Stevenson, Singley, Taylor, Watkins, Wells, and Mr. Speaker—29.

So the amendments were adopted.
The bill was read third time and passed.

The following message were received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate have this day insisted upon their amendment to the seventh subdivision of section 9, of Assembly bill No. 192, entitled An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, and have appointed a Committee of Conference.

WM. A. CORNWALL,
Secretary Senate.

Messrs. Kinney and Ryland were appointed a Committee of Conference on the part of the House

On motion, the House resolved itself into Committee of the Whole, to consider Assembly bill No. 52, An Act to define the method of acquiring rights to divert Water for Mining purposes in the Mineral Districts of this State

After spending some time in consideration of the bill, the Committee rose, reported, recommended its indefinite postponement, and were discharged.

Mr. Farley moved the previous question, which was sustained

The question being on the indefinite postponement of the bill, Messrs Flournoy, Wells, and Curtis, demanded the ayes and noes, which resulted as follows .

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Baker, Beatty, Bogardus, Brewton, Brown of Nevada, Burke, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Farley, Foster, Ferguson, Gaylord, Graves, Gragg, Johnson of El Dorado, McCutchan, Moreland, Quinn, Stevenson, Singley, Smith of El Dorado, Tahasferro, Vineyard, Watkins, and Waite—28.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Adkison, Cammet, Cory, Clayton, Cook, Curtis, Dana Edwards, Farwell, Flournoy, Gaver, Geller, Keys, Kinney, McConnell, Meredith, Murdock, Oxley, Palmer, Phelps, Rowe, Stevens, Smith of Marin, Taylor, and Wells—26.

So the bill was indefinitely postponed.

Mr. Stevenson moved a reconsideration of the vote just taken.

Mr. Arrington moved to lay the motion on the table.

Agreed to

Mr. Oxley moved to suspend the regular order of business, to take up Assembly

bill No. 250, An Act to provide for the Settlement of the Affairs of the State Marine Hospital at San Francisco, and to dispose of the property belonging to the same, and also to provide for the Indigent Sick remaining therein on the first day of April, 1855.

Agreed to, and the bill made the special order for to-morrow, at 2 o'clock, P. M.

Mr. Douglas presented a bill for An Act to create three States out of the territory of California.

Read first and second time, and referred to Select Committee, Mr. Hunt, Chairman.

On motion of Mr. Cunningham, of El Dorado, the House adjourned at five minutes before 3 o'clock, P. M., until 11 o'clock, to-morrow.

IN ASSEMBLY.

THURSDAY, March 15, 1855.

House met pursuant to adjournment.

The Speaker in the Chair.

Roll called, and the following members were absent:

Messrs. Gaver, Geller, Hunt and McCurdy.

On motion, Mr. Hunt was granted leave of absence for three days and Mr. Geller for two days.

Journal of yesterday was read and approved.

Mr. Douglas presented a petition for the relief of Dr. Ormsby.

Read and referred to Committee on Claims.

Mr. Waite introduced a bill for an Act to establish the Salaries of the Judges of the Thirteenth, Fourteenth and Fifteenth Districts, and to define the Times of holding Courts in said Districts.

Read first and second time and referred to Tulare and Mariposa delegations

Mr. Kinney gave notice that he would introduce a bill for an Act fixing the Time for holding the Terms of the District Court in the Ninth Judicial District.

Mr. Bates gave notice that he would introduce a bill for an Act requiring the Public Administrators in the different Counties of this State to pay over Moneys and Funds held in their hands, to the State Treasurer, belonging to the Estate of Deceased Persons, which may not have been cared for by the Heirs of the Deceased.

Mr. Douglas, Chairman, made the following report:

Mr Speaker:

The Committee of Ways and Means, to whom was referred Senate bill No. 109, An Act authorizing the Governor of this State to transmit to the Secretary of War, at Washington City, a Statement in relation to the War Debt of

California, have had the same under consideration, report it back without amendment, and respectfully recommend its passage.

DOUGLAS,
Chairman.

Senate bill No. 109, reported above, was placed on file.

Mr. Doughty, Chairman, made the following report:

Mr. Speaker :

The Committee on Public Lands, to whom was referred the petition of James T. Hibbard, beg leave to report the accompanying bill, in accordance with the prayer of the petitioner, and respectfully recommend its passage.

The bill above reported, An Act granting the use of certain Overflowed Lands to James F. Hibbard was placed on file.

Mr. Moreland, Chairman, made the following report:

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed An Act to regulate Fees in Office.

Also, An Act concerning Contracts and Promises.

Also, An Act to prevent the Trespassing of Animals upon Private Property.

Also, An Act concerning the Salaries of Officers and Pay of the Members of the Legislature.

MORELAND,
Chairman.

Mr. Gober, Chairman, made the following report :

Mr. Speaker:

The Committee on Vice and Immorality, to whom was referred Assembly bill No. 248, report the same back to the House and recommend its passage.

GOBER,
Chairman.

Assembly bill No. 248, reported above, was placed on file.

Mr. Edwards, Chairman, made the following report:

Mr. Speaker :

The Committee on Judiciary report that they have considered Assembly bill No. 247, entitled An Act to amend the four hundred and second section of an Act entitled An Act to Regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April 29, 1851, and recommend its passage, without amendment.

Respectfully submitted,

P. L. EDWARDS,
Chairman.

Assembly bill No. 247, reported above, was placed on file.

Mr. Buffum, Chairman, made the following report:

Mr. Speaker :

The select Committee to whom was referred petitions of certain citizens of San Francisco, praying that the restriction, existing solely in the county of San Francisco, in reference to the jurisdiction of Justices of the Peace, be removed, and asking that the same jurisdiction be conferred upon Justices' Courts in that county which have been conferred upon them in every other county in the State, and also a bill in reference to the same, have had the same under consideration, and respectfully submit the following report :

Your Committee have had referred to them petitions and remonstrances upon this matter, and are convinced, as well as they can be from petitions, that the *people* of San Francisco, in contradistinction from the Attorneys and Sheriffs and Clerks of Courts of Record, are in favor of the proposed extension of jurisdiction, which would give them a cheap mode of recovering debts, instead of being obliged to submit, as they now are, to the enormous fees of Attorneys and charges of Clerks of Courts of Record.

The manner in which the matter stands at present is this : In every county of the State, excepting that of San Francisco, the jurisdiction of Justices' Courts is five hundred dollars ; while, through the influences of those who would be pecuniarily benefitted thereby, this jurisdiction has, in San Francisco, been reduced to two hundred dollars.

Your Committee cannot see the justice of making this exception in relation to the county of San Francisco, and respectfully recommend that that county be placed upon a par, in this matter, with every other county of the State, convinced as they are that such is the wish of a large majority of the people of that county. They therefore report the bill back and recommend its passage.

BUFFUM,
Chairman.

Assembly bill, No. 44, reported above, was placed on file.

Mr. Taylor made the following minority report :

Mr. Speaker :

The undersigned, members of the select Committee, having had under consideration An Act amendatory of an Act concerning Courts of Justice of this State and Judicial officers, passed May 19th, 1823, recommend the indefinite postponement of the same.

TAYLOR and RODGERS,
Of Committee.

Mr. Farwell moved to refer the bill to the San Francisco delegation.

Not agreed to.

The bill was placed on file.

Mr. Johnston, of San Francisco, made the following report :

Mr. Speaker :

The select Committee (composed of the San Francisco delegation) to whom

was referred the bill for An Act to regulate the Fees of Coroner in the County of San Francisco, report the same back to the House, without amendment, and respectfully recommend its passage.

JOHNSTON,
Of Committee.

The bill was placed on file.

Mr. Stevens made the following minority report :

Mr. Speaker :

The undersigned, a minority of the Committee, to whom was referred a bill for An Act to prohibit all Persons of Foreign Birth, who are not eligible to citizenship, from working or owning the Mines in this State, has had the same under consideration, and entertaining no disrespect for the opinions of the majority, with whom the undersigned cannot agree, would most respectfully submit the following report :

The undersigned approaches the subject under consideration with diffidence, sensible of its importance, its delicacy, and the difficulty to adjust it properly by Legislation, whether considered in a commercial, financial, or moral point of view.

The acquisition of California was, without doubt, chiefly desired as the means of securing such advantageous position on the Pacific Coast, as would enable the United States to acquire and retain the command of the immense trade of Asia, a trade which has long been the cherished object of all civilized nations, because of the prosperity which has invariably followed such acquisition.

The United States possess an ocean front of some nine thousand miles, which, under the benign and humane policy of encouraging a friendly and reciprocal intercourse with all nations, must give to her the power of controlling the commercial world. So important has been regarded a commercial intercourse and friendly relations on the part of the United States, with China, Japan, and other kindred nations, to the growth and wealth and prosperity of this country, that the General Government has sent her fleets to visit those distant regions, and solicit, upon just terms of reciprocity, mutual intercourse and mutual interchange of the peculiar productions and fabrics of their respective countries, thereby enabling each to contribute a fair proportion to the great aggregate of human happiness. Indeed, the leading object of the earlier navigators in search of new discoveries—Columbus, Cabot, and Vespucci,—and for which they periled their lives and fortunes, amidst toil and suffering, was to work out the most direct, convenient and cheapest route to the acquisition of this commerce, whose invigorating influence was universally acknowledged, and gave to Portugal a proud ascendancy, far beyond that which her national resources or territorial importance amongst the nations of Europe entitled her, an ascendancy which has been successively obtained by every nation whose good fortune and enterprise has given them the enjoyment of this immense commerce.

If, then, such be its importance, such its salutary influence, how necessary it is to the development of our wonderful resources for us to pursue all honorable exertions in its acquisition, by pursuing a just, enlightened, and liberal policy towards China and her citizens, instead of resorting to acts of cruelty and oppression in driving them from our shores, after having invited them to a reciprocal interchange of commercial relations. How impolitic, how suicidal will it be for us, by legislative enactments, to thwart the wise and benevolent policy of extending our relations with them, and commanding that immense traffic, which must redound to our honor and power, whiten California's coast with the canvas of a prosperous commerce, and "stud California's winding shores with an hundred cities." It seems to us, then, that the probable elevated destinies, not only of San Francisco, the great emporium,

but of California, and indeed of America herself, is, in a great degree, dependant on the commercial relations which shall exist with China, Japan, and other Asiatic nations. The imagination can scarcely picture the riches of this Eastern commerce, which will be gathered in the lap of San Francisco, the destined entrepot of the Pacific, for their transmission to all portions of her sister States and the European world. But in vain may we expect this profitable commercial interchange for our merchants with China and Japan, if we exclude their people and others of the same class from our shores. It surely then is the part of wisdom to pause and reflect well before we permit a partial inconvenience or a mere consideration of temporary expedience to induce us to adopt a policy calculated to throw into the hands of rival nations, those advantages and blessings to which our position entitles us.

The question likewise assumes an importance in a financial point of view. From the present depleted condition of the Treasury of California, it would be unwise and injudicious to pursue towards this portion of our population the policy recommended by the majority Committee. This class of people are generally comparatively harmless and inoffensive; industrious, by working the poorest places, and in most cases, those which have been abandoned by other miners, and thus aiding in the development of resources which might otherwise remain dormant, whilst they contribute largely not only to the Treasury of this State, but to the Treasuries of the several counties in the State in which they are operating, in the prompt payment of the foreign miners' license tax, which tax amounts to over three hundred thousand dollars (\$300,000) per annum in the State, and if the bill under consideration should pass, the license tax will, to a great extent, be cut off, and the deficiency, or a large portion of the same, must be supplied by taxing the miners, instead of taxing the other taxable inhabitants, who are already overburdened with taxation. The poll tax is now only three dollars per annum, which is rarely collected in the mining districts, but if the bill under consideration should become a law, said tax will not only have to be increased, but collected with rigor. It may likewise be expected that the time will arrive, and that at no very distant day, when the Chinese population will add much to the wealth and prosperity of California in the reclamation of her tule lands, and in the cultivation of rice and other agricultural productions, to which they are peculiarly fitted.

Now, the United States, possessing, as she does, an immense unsettled domain, with her people enjoying the inestimable blessings of freedom, amply protected in all their rights, has it in her power, by a benevolent, wise, and generous policy, to share these blessings with the millions now oppressed, and that, too, without injury to herself. Surely, then, it is not only her duty but her privilege to extend the hand of philanthropy to the oppressed of the world, and continue to invite them, as she has done, heretofore, to light, to civilization, to liberty and to happiness. Indeed, it may be considered her high destiny so to act. Will it, then, be wise, judicious, or humane in California, as one of the sisterhood of the Union, to deny these blessings to the needy and the oppressed, and, by legislative enactments, to drive the Chinese from our land, and thus build up that exclusive policy which we, as a people, stigmatize and brand as selfish, reprehensible, and despotic, in the policy of China? On the contrary, does it not become us, a favored land, to aid the General Government in her wise and philanthropic policy, to procure a reciprocal commercial intercourse, and by the establishment of agencies in the principal cities of every other nation, bind together the people of every tie of interest, and thus furnish them with innumerable channels by which information may be circulated amongst every class of community, giving a moral influence which will cause our institutions to be better known, and their benign tendency better appreciated.

Thus will the Government, in a pre-eminent degree, promote the happiness of man, gradually but irresistibly disseminate the principles of its Constitution, and, from the very fact of its existence, will call into being those trains of thought which must, eventually, lead to the redemption of the oppressed of every Government.

It would seem, therefore, that every consideration of general and individual interest, of commercial and financial propriety, and that moral influence which must tend to spread happiness, civilization and liberty, demand of us a continuation of that magnanimous policy which has heretofore been pursued towards that remarkable nation, and, whilst the undersigned is free to acknowledge that the habits and peculiarities of this singular people sojourning among us, may subject us to temporary inconvenience, the undersigned is also of the opinion, that the present popular passion and prejudice will pass away, as this unfortunate people shall gradually become assimilated to American habits and manners.

The principle embodied in the Governor's last annual message, in regard to Asiatic immigration, is, in the opinion of the undersigned, worthy of consideration, especially that portion of the same which relates to the "passenger tax or toll," which would prevent an undue immigration of the Chinese population into California, and which, the undersigned believes, is all that is just and proper to be done under the present circumstances.

The undersigned is opposed to the passage of this bill, upon the ground that the most important provisions of the same are unconstitutional; also, upon the ground that the bill is wrong in a commercial, financial and moral point of view, and therefore most respectfully recommends its indefinite postponement.

Respectfully submitted,

S. B. STEVENS.

Mr. Ryland made the following report:

Mr. Speaker :

The Committee of Conference, to whom was referred the disagreeing vote of the Senate and Assembly, on the general Supervisor bill, report: That they have had the same under consideration, and recommend the Assembly to recede from their position, and concur in the Senate amendment to the bill.

RYLAND,
Chairman.

Adopted.

Mr. Ryland offered the following resolution:

Resolved, by the Assembly, the Senate concurring, That the Secretary of State, immediately upon either the Supervisor Act, the Common School Act, or the Census Act, becoming a law, shall cause five hundred certified copies of each of said laws to be printed in pamphlet form, and distributed to the County Judges of their respective counties for the use of the County Officers.

Adopted.

Mr. Palmer made the following report:

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed: An Act to change the name of John Clark Patt to John Patt Clark.

PALMER,
Of Committee.

Mr. Sherrard made the following report:

Mr. Speaker :

The Delegation from the County of Sutter, to whom was referred Assembly bill No. 251, authorizing the Board of Supervisors for said county to levy a Special Tax for the erection of Public Buildings, have had the same under consideration, and report the same back without amendment, and most respectfully recommend its passage.

SHERRARD,
Of Committee.

Assembly bill No. 251, reported above, was placed on file.

Mr. Smith, of Marin, made the following report:

Mr. Speaker :

The Special Committee, to whom was referred the bill to authorize the Board of Supervisors in and for the County of Marin, to lay a Special Tax for the erection of Public Buildings in said county, beg leave to report that they have had the same under consideration, and report it back to the House, and recommend its passage without amendment.

SMITH,
Of Committee.

The following message was received from the Senate :

Mr. Speaker:

I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 83, entitled An Act to declare the Tenure of Lands in the Mining Districts of the State.

Also, that they passed Senate bill No. 116, entitled An Act for the relief of B. Wing and W. H. Williamson.

WM. A. CORNWALL,
Secretary Senate.

March 14, 1855.

Senate bill No. 83, reported above, was read first and second time, and referred to the Judiciary Committee.

Senate bill No. 116, reported above, was read first and second time, and referred to the Committee on Claims.

The following messages were received from the Senate:

Mr. Speaker :

I am directed to inform the Assembly, that the Senate have appointed Messrs. Whiting, Tuttle, and Sprague, a Committee of Conference, to confer with a similar committee appointed on the part of the Assembly on the disagreeing vote of

the two Houses upon Assembly bill No. 192, entitled An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers.

WM. A. CORNWALL,
Secretary of Senate.

Mr. Speaker :

I am directed to inform the Assembly, that on the 27th February ult., the Senate passed a Concurrent Resolution, authorizing the Chairman of the Hospital Committees of the Senate and Assembly to employ a Clerk.

WM. A. CORNWALL,
Secretary Senate.

The resolution was concurred in.

Mr. Jones offered the following resolution:

Resolved, That Augustin Olvera be allowed to withdraw from the office of the Secretary of State his papers, consisting of the certificate of his appointment as Judge of First Instance of Los Angeles District, and other papers connected therewith, and that the Secretary of State be notified of the same.

Adopted.

Mr. Buffum offered the following resolution:

Resolved, That the Clerk be instructed, at the close of the session, to make out a list of the members who have been absent during the session, the number of days they have been absent, whether absent with or without leave, and have the same inserted in the Journals for publication.

Mr. Douglas moved to lay on the table.

Upon which, Messrs. Buffum, McCutchan, and Coombs, demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Baker, Bates, Beatty, Brown of Contra Costa, Brown of Nevada, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Gragg, Hosmer, Johnston of San Francisco, Jones, Keys, Kinney, McCurdy, Mellus, Meredith, Palmer, Rodgers, Stevens, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, and Mr. Speaker
—40.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Bogardus, Buffum, Burke, Cory, Chase, Clayton, Cook, Foster, Gober, Graves, McCutchan, Moreland, Murdock, Phelps, Quinn, Rowe, Stevenson, Updegraff, Vineyard, Watkins, Waite, Wells, and Whitney—25.

So the resolution was laid on the table.

Mr. Taliaferro offered the following resolution :

Resolved, That the Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 56, relative to the County Indebtedness of Calaveras County, be required to report on the same, on to-morrow, the 16th inst.

Laid on the table.

Mr. Johnston, of San Francisco, offered the following resolution.

Resolved, That the Chief Clerk of the Assembly be required to post in a conspicuous place in this chamber a daily statement of the bills on the general file, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day.

Adopted.

Mr. Buffum offered the following resolution :

Resolved, That leave of absence will not hereafter be granted to members unless in cases of sickness, and that members being absent without leave, shall not be entitled to pay during the time of their absence.

Laid on the table.

Mr. Mellus offered the following resolution :

Resolved, That the Controller of State be, and the same is hereby, instructed to draw his warrants in favor of each of the members of the State Prison and State Hospital Committees of the Assembly, who are entitled to mileage for visiting said institutions, in accordance with a resolution of this House, and that the same be paid out of the Contingent Fund of the Assembly.

Mr. Bates offered the following resolution :

Resolved, That a list of all the members who have left the House daily during this session to get their dinner, and thereby neglecting the business of the session, be made, and that it be published in the daily newspapers of this city.

On motion of Mr. Smith of Marin, laid on the table.

Mr. Taylor offered the following resolution:

Resolved, That the Clerk be instructed to report to the House, at the earliest

practicable time, the number of times each member has called the ayes and noes during the session, and the length of time occupied by each member in the delivery of Buncombe speeches

Laid on the table

Mr. Farley offered the following resolution

Resolved, That a resolution passed by this body, authorizing an Assistant Door-keeper to draw his per diem, is hereby rescinded.

Adopted.

On motion of Mr. Watkins, Assembly bill No. 191 was placed on the general file, also Assembly bill No. 2.

Mr. Jones offered the following resolution

Resolved, That the Special Committee, to whom was referred the Assembly bill, An Act to prevent the carrying of Concealed Weapons, be required to report on Monday next

Adopted.

Mr. Murdock's account for papers furnished to members last session, was referred to the Committee on Accounts and Expenditures.

Mr. Wells moved to take from the table the motion of Mr. Stevenson, to reconsider the vote by which Assembly bill No. 52 was indefinitely postponed.

Mr. Stevenson moved to indefinitely postpone the motion

Upon which, Messrs. Amyx, Wells, and Kinney, demanded the ayes and noes, with the following result

Those who voted in the affirmative were—

AYLS.

Messrs. Andrews, Amyx, Baker, Bates, Beatty, Bogardus Brown of Nevada, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Farley, Foster, Ferguson, Gaylord, Graves, Gragg Meredith, Quinn, Stevenson, Smith of El Dorado, Vineyard, Watkins, Waite, and Mr. Speaker—24.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Adkison, Brewton, Burke, Canimmet, Cory, Chase, Clayton, Cook, Curtis, Edwards, Farwell, Ferrell, Flournoy, Gaver, Johnson of El Dorado, Kinney, McCutchan, McCurdy, Moreland, Oxley, Palmer, Phelps, Rodgers, Stevens, Tahaferro, Updegraff, and Wells—28.

So the motion was lost.

On motion of Mr. Kinney, the bill was referred to Select Committee of nine Messrs. Kinney, Adkison, Beatty, Wells, Andrews, Flournoy, Farley, Curtis, Bogardus.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment presented to Governor Bigler yesterday, for his approval, the following bills, viz.

An Act to fix the time of holding the District Court in the Third Judicial District.

An Act supplementary to an Act entitled an Act concerning County Recorders, passed March 23, 1851.

An Act authorizing J. Burkhalter, and such others as he may associate with him, to build and construct a Wagon Road from Corbitt's Inn to the Cow and Calf Ranch in Mariposa County.

An Act supplementary to an Act passed May 15, 1854, entitled an Act to Fund the Debt of the County of Mariposa, and provide for the payment of the same.

An Act granting Edward DeWitt, and others, the right to construct a Toll Bridge across the Klamath river.

An Act extending the provisions of an Act entitled an Act giving the consent of the Legislature of the State of California to the purchase, by the United States, of land within this State for public purposes, to the grant heretofore made by Thomas O. Larkin and wife, Robert Semple and wife, and Bethuel Phelps, to the United States, of certain lands adjoining the city of Benicia.

H. B. MEREDITH,

Chairman

March 15, 1855.

Assembly bill No. 88. An Act to provide for the Sale of the Swamp and Overflowed Lands belonging to this State—

Taken up and referred to Select Committee of seven Messrs. Baker, Farley, Johnston, Sherrard, Cook, Vineyard, and Douglas.

Assembly bill No. 1, An Act to regulate Fees in Office—

Read third time, and passed.

Assembly bill No. 19, An Act concerning the Salaries of Officers and pay of the Members of the Legislature—

Read third time

Mr. Stevenson moved to recommit the bill, with instructions.

Upon which Messrs. Johnson of El Dorado, Watkins, and Ryland, demanded the ayes and noes, with the following result.

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Adkison, Bates, Beatty, Bogardus, Brewton, Burke, Canmet, Coombs, Cunningham of Sierra, Foster, Gaver, Hosmer, McCurdy, Stevens, Stevenson, and Taliaferro—17.

Those who voted in the negative were—

NOES.

5 Messrs. Andrews, Arrington, Baker, Brown of Contra Costa, Brown of Nevada, Cory, Chase, Clayton, Cook, Cunningham of El Dorado, Curtis, Douglas,

Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaylord, Graves, Gragg, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Lincoln, Mellus, Meredith, Murdock, Palmer, Phelps, Quinn, Rodgers, Rowe, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taylor, Updegraff, Vineyard, Watkins, Waite, and Mr. Speaker—47.

So the motion to recommit was lost.

Messrs. Watkins, Arrington, and Waite, demanded the ayes and noes on the passage of the bill, which resulted as follows.

Those who voted in the affirmative were—

AYES

Messrs. Arrington, Adkison, Baker, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Cory, Clayton, Coombs, Cook, Curtis, Douglas, Edwards, Farley, Ferrell, Flournoy, Ferguson, Gaylord, Graves, Gragg, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Lincoln, McCurdy, Mellus, Meredith, Murdock, Oaley, Palmer, Phelps, Quinn, Ryland, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Wells, Whitney, and Mr. Speaker—50.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Anyx, Bates, Beatty, Bogardus, Cannet, Chase, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Foster, Gaver, Hosmer, Stevens, and Waite—15.

So the bill passed.

Mr. Arrington gave notice that on to-morrow, he would move to reconsider the vote just taken.

Assembly bill No. 244, An Act to prevent the trespassing of Animals upon Private Property.

Read third time and passed.

Assembly bill No. 245, An Act to provide for the Survey and Construction of a Wagon Road from the Sacramento Valley to the Eastern Boundary of this State.
[On motion of Mr. Ryland, placed at the foot of the calendar.]

Assembly bill No. 246, An Act granting James L. Graves and Thomas C. Burton, and such others as they may associate with them, the right to construct a Toll Bridge across the American river at or near the Mississippi Bar.

Mr. Johnson, of El Dorado, moved to recommit the bill to the Judiciary Committee, with instructions to report to this House their opinion of the constitutionality of passing this class of bills.

Agreed to.

Assembly bill No. 243, An Act amendatory of and supplemental to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

Referred to Judiciary Committee.

Assembly bill No. 240, An Act to provide J. G. Stebbins, W. W. Stow, and H. P. A. Smith, with duplicate Warrants in lieu of certain Warrants lost or destroyed—

Read third time and passed.

Assembly bill No. 155, An Act to authorize Hiram D. Scott to construct a Wagon Road from the town of Santa Cruz to the Santa Clara Valley—

Taken up and ordered to be placed at the foot of the file.

Assembly bill No. 170, An Act concerning Roads and Highways

On motion, the House resolved itself into Committee of the Whole, Mr. Taylor in the Chair.

Committee rose, reported, and recommended its reference to a Select Committee of seven, and were discharged.

House concurred in the recommendation of the Committee, and the Chairman appointed Messrs. Johnston of San Francisco, Coombs, Ryland, Doughty, Ferrell, Keys, and Wells.

Assembly bill No. 250, An Act to provide for the settlement of the affairs of the State Marine Hospital at San Francisco, and to dispose of the property belonging to the same, and also to provide for the Indigent Sick remaining therein on the first day of April, 1855.—special order for this day, was taken up, and pending its consideration.

On motion of Mr. Andrews, the House adjourned at thirty-five minutes past 3 o'clock, P. M.

IN ASSEMBLY.

FRIDAY, March 16 1855.

House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called, and all the members present, except those absent on leave.

Journal of yesterday was read and approved.

The following report was received from the State Treasurer, and 240 copies were ordered printed.

STATE TREASURER'S OFFICE, }
Sacramento, March 15, 1855 }

*To the Hon. President of the Senate,
and the Speaker of the Assembly.*

In conformity with a Concurrent Resolution of the Senate and Assembly, passed February 9, 1855, requiring the Treasurer of State to report to the Senate and Assembly, at an early day, the financial operations and condition of the State Treasury up to the first day of February, 1855, the accompanying exhibit is respectfully submitted

I have the honor to be, very respectfully,
Your obt. servant,

S A McMEANS,
State Treasurer

The House resolved itself into Committee of the Whole, Mr Farwell in the chair, to take into consideration Assembly bill No 250, An Act to provide for the settlement of the affairs of the State Marine Hospital at San Francisco, and to dispose of the property belonging to the same, and also to provide for the Indigent Sick remaining therein, on the first day of April, 1855

The Committee rose, reported the bill back to the House, and recommended its recommitment, with instructions to report a bill, which shall provide for the closing up of the affairs of the State Marine Hospital, under the direction and supervision of a Board consisting of three members, to be elected by a joint convention of the Legislature. Said Board to have charge of the indigent sick remaining in the Hospital on and after the 1st of April. Also, to settle the claims against said Hospital, respecting such as are inequitable. Also, repeal such portions of the old law as creates the Board of Trustees, together with the provisions defining their powers and duties.

Agreed to

On motion of Mr. Oxley, Senate bill No 76, An Act to provide for the Indigent Sick in the Counties of this State, and,

Assembly bill No 243, An Act amendatory of Section Fourteen, of an Act to establish an Asylum for the Insane of the State of California, passed May 17, 1853, was recommitteed, with the other bill.

Mr Arrington moved to reconsider the vote, by which Assembly bill No. 19, An Act concerning the Salaries of Officers and Pay of Members of the Legislature was passed

Upon which, Messrs. Watkins, Arrington and Buffum, demanded the yeas and nays, which resulted as follows

Those who voted in the affirmative were—

AYES.

Messrs Arrington, Bates, Buffum, Burke, Cory, Chase, Cunningham of El Dorado, Doughty, Ferguson, Gayer, Gaylord, Knox, Rodgers, and Stugley—15.

Those who voted in the negative were—

NOES.

Messrs Amyn, Addison, Beatty, Brewton, Brown of Contra Costa, Brown of Nevada, Cammer, Clayton, Coombs, Cook, Covarrubias, Curtis, Douglas, Edwards, Ferrell, Flinnney, Foster, Gober, Gagg, Johnson of El Dorado, Johnston of San Francisco, Jones, Finney, Lincoln, McConnell, Mellus, Meredith, Mudock, Oxley, Palmer, Phelps, Quinn, Rowe, Stevens, Stevenson, Sheriard, Smith of Marin, Stewart, Tahafarro, Taylor, Updegraff, Vineyard, Watkins, Wells, Whitney, and Mr. Speaker—16

So the motion was lost.

Assembly bill No. 241, An Act to provide for the construction of a *Wagon Road* from the Sacramento Valley to the Eastern Line of the State, was placed at the foot of the file

Assembly bill No 223, An Act authorizing the construction of a Bridge across Mission Creek, was taken up

Mr. Taylor moved to place it at the foot of the file.

Not agreed to.

On motion of Mr. Buffum, the bill was referred to the San Francisco delegation.

On motion of Mr. Murdock, Assembly bill No. 67, An Act to prescribe the manner of issuing and redeeming Scrip, and the duties of Officers in relation thereto in the Counties, Cities, and incorporated Towns in this State, was placed at the foot of the file.

Assembly bill No 238, An Act to amend An Act entitled an Act regulating Marriages, passed April 22, 1850, was indefinitely postponed.

Assembly bill No 239, An Act to amend an Act entitled an Act defining the time for commencing Civil Actions, passed April 22, 1850, was taken up.

Mr. Buffum moved to recommit the bill to the Judiciary Committee, with instructions.

Mr. Stow moved the previous question.

Sustained.

The question was then upon the recommitment of the bill.

Not agreed to.

The Committee amendments were adopted.

On motion to engross the bill, Messrs. Buffum, Vineyard, and Hosmer, demanded the ayes and noes, which resulted as follows.

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Baker, Beatty, Bogardus, Brown of Contra Costa, Brown of Nevada, Burke, Cammet, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Edwards, Failey, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaylord, Graves, Johnson of El Dorado, Johnston of San Francisco, Jones, McCurdy, Mel-lus, Meredith, Oxley, Palmer, Phelps, Rodgers, Rowe, Stevens, Stevenson, Sherrard, Stewart, Taliaferro, Watkins, Wells, and Mr. Speaker—42.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Bates, Buffum, Chase, Curtis, Doughty, Hosmer, Keys, Knox, McCutchan, Moreland, Quinn, Singley, Smith of El Dorado, Smith of Marin, Vineyard—16.

So the bill was considered engrossed.

Mr. Speaker.

The Joint Committee on Enrollment have examined and find correctly enrolled :

An Act to fund the Indebtedness of the State existing in the form of State Controller's Warrants, drawn upon the Treasurer of State between the thirtieth day of June, A. D 1853, and the first day of July, A. D 1855.

Also, An Act to prohibit barbarous and noisy Amusements on the Christian Sabbath.

Mr. Watkins moved to place Assembly bill No. 49 on file.

Agreed to.

Assembly bill No. 167, An Act to authorize the funding of the outstanding Stockton Scrip, the House concurred in Committee amendments.

Read third time and passed.

Assembly bill No 24, An Act to provide for the registering of the names of legally qualified Voters in the City and County of San Francisco, prior to being permitted to vote at any general or municipal Election.

Mr. Burke moved an adjournment

Lost.

Mr. Beatty moved a call of the House.

Lost

Mr. Amyx offered the following amendment: Strike out "State" wherever it occurs before municipal election

Lost

The bill was ordered engrossed.

Assembly bill No 91, An Act in relation to Estates of Joint Tenancy—

Considered engrossed, read third time, and passed

Assembly bill No 94, An Act for the better protection of Settlers.

On motion of Mr. Doughty, placed on file.

On motion of Mr. Stow, all bills laid on the table that were not laid there by order of the House, were placed on file

Assembly bill No 174, An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854, was considered engrossed.

Read third time, and passed.

Senate bill No. 77, An Act appropriating money for the payment of Frank Denver, for services rendered in making repairs on State Capitol—

The House resolved itself into Committee of the Whole, Mr. Buffum in the chair.

Committee rose, reported progress, and were discharged.

On motion of Mr. Burke, the bill was laid on the table.

Assembly bill No. 235, An Act amendatory to an Act to provide for the Protection of Foreigners, and to define their liabilities and privileges, passed March 30, 1853.

The Committee amendments were concurred in, and the bill was ordered engrossed.

Assembly bill No. 263, An Act to require the closing of business houses in certain Counties of this State, on the first day of the week commonly called Sunday.

Mr. Coombs moved to insert Napa county.

Mr. Johnson moved to insert El Dorado

Mr. Jones moved to insert Los Angeles county.

Agreed to.

Mr. Whitney moved to insert San Francisco county

Pending which, on motion of Mr. Flourney, House adjourned at forty-five minutes past two o'clock, P. M., until 10 o'clock, A. M., to-morrow.

IN ASSEMBLY

SATURDAY, March 17, 1855.

House met pursuant to adjournment

Speaker in the chair

Roll called and the following members were absent:

Messrs. Cunningham of El Dorado, Curtis, Geller, Knox, Lincoln, Taylor, and Updegraff.

Mr. Updegraff was granted leave of absence for two days, and Mr. Geller for one day

Journal of yesterday was read and approved.

Mr. Farwell presented a petition for a new County out of San Francisco County. Read, and referred to San Francisco delegation

Mr. Arrington presented a petition in relation to paying parties engaged in suppressing Indian hostilities in the North

Read, and referred to the Committee on Indian Affairs

Mr. Arrington reported Assembly bill No. 253. An Act for the relief of Citizens of Klamath County, who have been engaged in subduing Indian hostilities in said County.

Referred to same Committee.

Mr. Phelps presented a petition, praying for a Prohibitory Liquor Law

Read, and referred to Committee on Vice and Immorality

Mr. Johnston of San Francisco, presented a petition from George W. Coffee, for duplicate Land Warrants

Read, and referred to Mr. Johnston, with instructions to report a bill

Mr. Dana presented a petition for a Prohibitory Liquor Law.

Read, and referred to the Committee on Vice and Immorality

Mr. Arrington introduced a bill for An Act amendatory of an Act entitled an Act to incorporate Crescent City, passed April 13, 1854

Read first and second time, and referred to the Committee on Corporations.

Mr. Farwell introduced a bill for An Act defining the legal settlement of Paupers in the State, and to provide for their support.

Read first and second time, and referred to the Committee on Ways and Means, and ordered printed

Mr. Smith, of Marin, introduced a bill for An Act to provide for building a State Prison, with walls around the same, commensurate with the wants of the State, and in accordance with the Prison Act of 1851.

Read first and second time, and referred to the standing State Prison Committee.

Mr. Whiting introduced a bill for An Act amendatory of an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1854.

Read first and second time, and referred to the Committee on Commerce and Navigation

Mr. Johnston, of San Francisco, introduced a bill for An Act granting the right to establish a steam ferry between Sausalito and the city of San Francisco.

Read first and second time, and referred to the San Francisco and Marin delegations.

Mr. Sherrard introduced a bill for An Act granting to William S Webb, and his associates, the right to construct a Wire Suspension Bridge across Feather River, above the junction of the Yuba and within the corporate limits of the City of Marysville.

Read first time.

Mr. Ferrell introduced a bill for An Act to discharge the Board of Examiners of War Claims from further duties.

Read first and second time, considered engrossed, read third time, and passed.

Mr. Beatty introduced a bill for An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, A. D 1853.

Read first and second time, and referred to the Calaveras delegation.

Mr. Brewton introduced a bill for An Act to authorizing the Working of County Convicts in Sacramento county.

Read first and second time, and referred to the Sacramento delegation.

Mr. Brewton introduced a bill for An Act to legalize certain acts of the Courts of Sessions of Sacramento county, and for other purposes.

Read first and second time, and referred to the Sacramento delegation.

Mr. Dana introduced a bill for An Act to repeal an Act entitled an Act to provide for the appointment of a Guager for the Port of San Francisco.

Read first and second time, and referred to the San Francisco delegation.

Mr. Edwards introduced a bill for An Act to legalize a certified copy of Book "A," of Records of Sacramento County.

Read first and second time, considered engrossed, read third time, and passed.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker :

The Committee on the Judiciary report that they have considered Assembly bill No. 252, entitled An Act supplementary to and amendatory of an Act entitled an Act concerning Conveyances, passed April 16, 1850.

They find that section one of said bill is substantially embraced in another bill, which has already passed the Assembly, and therefore recommend that this bill be amended by striking out the said first section, and that the remaining sections be numbered so as to conform to such amendment. The Committee instruct me to recommend the passage of the bill, without further amendment.

The Committee have also considered Senate bill No. 83, entitled a bill for An Act to declare the Tenure of Lands in the Mining Districts of this State, and recommend its passage, without amendment.

P. L. EDWARDS,
Chairman.

Senate bill No. 85, and Assembly bill No. 252, were placed on file.

Mr. Ryland made the following report .

Mr. Speaker:

The Judiciary Committee having had under consideration Assembly bill No. 235, for An Act amendatory of an Act to provide for the protection of Foreigners, and

to define their liabilities and privileges, passed March 30, 1853, beg leave to report the same back without amendment, and recommend its passage.

RYLAND,
Of Committee.

Assembly bill No. 235, above reported, was placed on file.

Mr. Burke made the following report :

Mr. Speaker :

The Judiciary Committee, to whom was referred the bill to fix the compensation of the County Judges of Siskiyou and Klamath, and to repeal in part the first section of An Act to fix the Salaries of County Judges and Associate Justices of the Court of Sessions, passed May 17, 1853, beg leave to report the bill to the House, and recommend its passage, without amendment.

BURKE,
Of Committee.

Assembly bill No. 259, reported above, was placed on file.

Mr. Brown, of Contra Costa, made the following report .

Mr. Speaker :

The Committee, to whom was referred Assembly bill No. 256, report it back to the House without amendment, and recommend its passage.

BROWN,
Of Committee.

Assembly bill No. 256, reported above, was placed on file.

Mr. Mellus presented an account from F. Denver, which was placed on file with Senate bill No. 77.

Mr. McCutchan made the following report :

Mr. Speaker:

The Committee on Accounts and Expenditures have had under consideration Assembly bill No. 148, An Act relating to the Safekeeping of the Public Moneys, and beg leave to report a substitute, as per instructions, and respectfully recommend its passage.

McCUTCHAN,
Chairman.

Assembly bill No. 148, reported above, was placed on file.

Mr. Hosmer verbally reported a substitute for Assembly bill No. 111, An Act supplementary to an Act entitled an Act to regulate Elections, passed March 23, 1850, and recommend its adoption.

Placed on file.

Mr. Meredith, Chairman, made the following report:

Mr. Speaker:

The Joint Committee on Enrollment presented to Governor Bigler yesterday, for his approval,

An Act to fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 13th day of June, A. D. 1853, and the 1st day of July, A. D. 1855.

Also, An Act to prohibit Barbarous and Noisy Amusements on the Christian Sabbath.

MEREDITH,

Chairman.

March 17, 1855.

Mr. Covarrubias made the following report:

Mr. Speaker :

The Committee on Military Affairs, to whom was referred the communication from the Quartermaster and Adjutant General, with instructions to report a bill conforming to the suggestions therein contained, have had the same under consideration, and beg leave to report the accompanying bill, and recommend its passage.

COVARRUBIAS,

Chairman.

The bill was read a first and second time, and placed on file.

Mr. Ryland made the following reports:

Mr. Speaker :

The Committee on Internal Improvements having had under consideration Assembly bill No. 231, for An Act to construct a Drawbridge across Elk river, in Humboldt county, report the same back amended by adding an additional section, and recommend its passage.

RYLAND,

Chairman.

Assembly bill No. 230, was placed on file.

Mr. Speaker :

The Committee on Internal Improvements having considered Assembly bill No. 152, for An Act to provide for the construction of a Line of Telegraph from San Francisco to the eastern line of this State, report the same back, and recommend its passage, after the adoption of the amendments proposed by the Committee.

RYLAND,

Chairman.

Assembly bill No. 152, reported above, was placed on file.

Mr. Wells, from Select Committee, made the following majority report:

Mr. Speaker:

The undersigned, a portion of the Select Committee, to whom was referred Assembly bill No 52, for An Act to define the method of acquiring rights to divert Water for Mining purposes in the Mineral Districts of this State, beg leave to report that they have had the same under consideration, and report it back, with the following amendments, recommend their adoption, and the passage of the bill.

ASA KINNEY,
D. O. ADKISON,
T. C. FLOURNOY,
E. J. CURTIS,
THOMAS WELLS.

Assembly bill No. 52, reported above, was placed on file.

Mr. Jones, from the Committee on Hospitals, made the following report:

Mr. Speaker :

The Hospital Committee, to whom was referred sundry bills relating to the State Marine Hospital, and the Indigent Sick of this State, report a bill to provide for the settlement of the affairs of the State Marine Hospital, which they have endeavored to make conform to the instructions given, and they earnestly recommend its passage without more delay than is necessary to perfect it.

They also report a substitute for Assembly bill No. 218, entitled An Act amendatory of an Act to establish an Asylum for the Insane, &c.

Also, Senate bill No. 76, a bill for An Act to provide for the Indigent Sick in the Counties of this State, with amendments.

The Committee recommend that the Assembly take up these bills, and dispose of them at once. They have been considered together in the Committee, and all refer to the same subject, and each bill is drawn with reference to the other.

JONES,
Of Committee.

Assembly bill No. 218, and Senate bill No. 76, above reported, were laid upon the table temporarily.

The substitute for Assembly bill No. 250 was read first and second time, considered in Committee of the Whole, Mr. Kinney in the chair, amended, considered engrossed, read third time, and passed.

Assembly bill No. 218, substitute adopted.

The House resolved itself into Committee of the Whole, Mr. Johnston of San Francisco in the Chair, to consider the bill.

The Committee rose, reported, and were discharged.

The House concurred in the Committee amendments.

Mr. Stevenson moved a call of the House.

Not agreed to.

On motion of Mr. Beatty, the House adjourned at five minutes past one o'clock, P. M.

IN ASSEMBLY.

MONDAY, March 19, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll was called, and,

On motion, all the absentees were granted leave of absence for one day.

Journal of Saturday was read and approved.

Mr. Sherrard presented a petition, praying for a division of Yuba county.

Read, and referred to the Committee on County and County Boundaries.

Also, a petition for a division of Butte county.

Also, a petition to fix the County Seat of Sutter county—

Both of which were referred to the same Committee as above.

Mr. Brown presented a petition praying for a charter to construct a Wagon Road from the city of Nevada to Illinois Bar.

Read, and referred to the Nevada and Sierra delegations.

Mr. Phelps presented a petition praying for the enactment of a Prohibitory Liquor Law.

Read, and referred to the Committee on Vice and Immorality.

Mr. Douglas presented a petition from William McNees, for remuneration for services rendered to overland Emigrants in the year 1850.

Read, and referred to the Committee on Claims.

Assembly bill No. 270, An Act granting to Wm. S Webb and his associates the right to construct a Wire Suspension Bridge across Feather river, above the junction of the Yuba, and within the corporate limits of the city of Marysville.

Read second time, and referred to the Sutter and Yuba delegations.

Mr. Buffum introduced a bill for An Act to provide for the Employment of County and City Prisoners.

Read first and second time, and referred to Judiciary Committee.

Mr. Murdock introduced a bill for An Act to legalize Acts of Courts of Sessions in certain Counties of this State, and for other purposes.

Read first and second time, and referred to the Judiciary Committee.

Mr. Edwards introduced a bill for An Act extending the time of holding the City Election for the City of Sacramento for 1855.

Considered engrossed, read third time and passed.

Mr. McCurdy gave notice that he would introduce a bill establishing the boundary lines between the Counties of Tuolumne and Stanislaus.

Mr. Stevenson gave notice that he would introduce a bill authorizing Jesse Bensem to construct a Toll Bridge across the Middle Fork of the Cosumnes river.

Mr. Coombs gave notice that he would introduce a bill to Fund the Debt of Napa County.

Mr. Ferrell made the following report :

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 25, An Act to create a Board of Supervisors in and for the several Counties of this State, and to define their duties and powers, recommend that the same be indefinitely postponed, as the House has already acted upon a similar bill.

March 16, 1855.

FERRELL,
Of Committee.

Adopted.

Mr. Clayton made the following majority report:

Mr. Speaker :

The Select Committee, to whom was referred Assembly bills Nos. 206, 207, and 208, have had the same under consideration, and a majority of your Committee have agreed upon a substitute for said bill, and beg leave to report the same back to the House, together with their reasons for recommending its passage.

The question under consideration is one of vast importance to our young State, and worthy the careful investigation of our wisest statesmen ; we, therefore, approach the subject with much diffidence, being well aware that we are unable to do the subject the justice that its great importance demands.

The bill proposes to exclude all *persons of foreign birth, who are not eligible to citizenship*, from the *privilege* of working the mines of this State ; that we have the constitutional and legal right to pass and enforce such a law, is clearly sustained by the decisions of the Supreme Court of the State, and by the Supreme Court of the United States.

The General Government has acquired the territory of California at an immense cost of the common blood and treasure of the citizens of the United States : large numbers of her hardy sons have come and settled within its limits, and have formed themselves into a sovereign State, have been admitted into the Union upon an equal footing with the original States : her sovereignty as a State is as full and complete as any of the original thirteen States ; she has *full, complete, and exclusive control* of all *police* regulations within her limits ; she has the right to determine who shall be admitted as citizens, and who shall be excluded.

In pursuance of this power, she has declared in her Constitution, that none but free white persons shall be entitled to the rights and privileges of citizenship. The Supreme Court of this State has decided that the Mongolian and Asiatic races are not *white*, in the constitutional sense of the term, and therefore cannot become citizens of this State. Large numbers of this class of foreigners have come to our State, not in pursuance of the privileges granted for the purpose of commerce, but for the *sole* purpose of working our gold mines. The General Government has spared no pains to extend our commerce to all nations, upon liberal and enlightened principles, and has always granted to other nations the same privileges that we have asked of them ; but those privileges have invariably been of a commercial character, and have had nothing to do with the internal, municipal, or police regulations of any other nation.

Our Government has always welcomed to our shores the oppressed of every nation who could be admitted on terms of political and social equality ; but to extend the same privileges to those nations that are so different in language, customs, laws and physical organization from our own people, would be doing an injury to ourselves, without benefiting them. It must be conceded by all, that persons of foreign

birth, especially those who are not eligible to citizenship, have no absolute *rights* on our *soil*, or in our mines. We have granted to them privileges upon certain conditions. Our State has made it a condition of money. She has given them the privilege of working the mines, by paying a tax of four dollars per month. The whole question, then, is one of *privilege*, and not one of absolute *rights*, and must come entirely within the police regulations of the State Government. A majority of your Committee hold, that the State has a constitutional right not only to exclude any class of foreigners she may deem obnoxious to her interests, either socially or politically, but that she has the right to expel them entirely from her borders. We hold that the State not only has the right to *tax a nuisance*, but to *abate it altogether*. If any class of our *own* people engage in any business or profession that is calculated to work an injury to the rights of others or to the public, so as to bring about a social or political evil, the State has the right to interpose her power to prevent and remove the cause thereof. It must, therefore, be clearly within her power to prevent a foreign population from fastening evils of a like nature upon us. The police power extends over *all* subjects within the territorial limits of the State, and has never been conceded to the United States. Upon this question, the Supreme Court of the United States is clear and explicit. In the case of the city of New York *vs.* Miln, (11 Peters, 103,) the court holds the following language.

"The State has the same undeniable right and unlimited jurisdiction over all persons and things within its territorial limits as any foreign nation, when that jurisdiction is not *surrendered or restrained* by the Constitution of the United States."

"All those powers which relate to merely municipal legislation, or which may more properly be called internal police, are not surrendered or restrained, and, consequently, in relation to these, the authority of a State is complete, unqualified, and exclusive."

The same authority goes farther and says, that "It is not only right, but the bounden and solemn duty of a State, to advance the safety, happiness, and prosperity of its people, and to provide for its general welfare by any and every act of legislation which it may deem to be conducive to these ends."

This doctrine was fully recognised by Congress by the admission of several of the western States, with provisions in their Constitutions prohibiting all persons of a certain class from residing within their limits.

In the Constitution of the State of Indiana, Section 1 of Article 13, provides that "No negro or mulatto shall come into or settle in the State," and Sec. 2 of the same article, makes all contracts with such persons null and void, and imposes a fine upon any citizen that shall employ them.

From the language of the Supreme Court of the United States, in the cases above cited, and from the action of Congress, it appears that while a State is acting within the scope of its legislative power as to the end to be attained, it may use whatever means, being appropriate to the end, it may think fit. We have not been able to find anything in the Constitution of the State, or of the United States, or in the Statutes at large, that does, by any fair construction, restrain the legislature from passing such a law as the bill contemplates.

Much has been said and written about the importance of the commerce of India and Asia. The trade of the East has always been eagerly sought after by every commercial nation of Europe. Venice once monopolized the trade, and became wealthy and powerful; in after years, the Portuguese and Dutch became rich by this eastern traffic. It finally passed principally into the hands of England, and she became the mistress of the seas, and dictated laws to the commercial world. Since the foundation of our Government, it has been a favorite scheme of our statesmen to procure for us the monopoly of this immense trade of the East, to extend our commerce over every sea, and promulgate the doctrines of free government and free trade to every land. That our Statesmen are right in using all honorable means to advance our commercial interest, none will for a moment deny. That a

free commercial intercourse with all mankind, of whatever race or color, whether civilized or savage, is our true policy, is apparent to all. But an interchange of population is a very different thing. We want the Chinese trade, but we do not want her surplus population. They cannot assimilate to or appreciate our laws and customs, and we can never receive them on terms of social and political equality; we cannot give them our daughters in marriage, neither can we receive theirs. An amalgamation is impossible, and repugnant to every feeling of decency and propriety. We cannot, therefore, live together as members of the same family. We are differently constituted, and were never intended by the God of Nature to become one people. Let the Chinese inhabit China, and let the Americans possess America. Let our commercial intercourse be liberal and just; we will then have accomplished all that we can ask, and all that they can reasonably expect. Our treaty obligations with China are purely of a commercial character, and never contemplated an interchange of population. The price of labor is always regulated by the supply and demand. Our American labor here is more valuable than in any other part of the world. Our population, though rapidly increasing, is comparatively small. If we, therefore, throw wide our doors for the influx of the millions of China, we destroy the great laboring classes of our own people, and the only persons benefited will be capitalists and the Chinese; the only ones injured would be the American laborer, by supplying the market for labor with a depreciated article that is literally inexhaustible. Then let us close our doors against the immigration of those who cannot be received by us on terms of equality, and require those that are here to return as soon as possible to their own country; and then let us direct our energies to the breaking down of the barriers that lie between us and our sister States, and our valleys and hills will soon be peopled with our own hardy race, with whom we can live in peace and harmony.

Some urge as a reason for allowing the Chinese to remain among us, that they will learn our religion and laws, and effect much for the regeneration and enlightenment of their race. From the same source, we are told that we cannot spare the Chinese, that they contribute largely toward the support of our County and State Governments, that they are the only people in the mining districts that pay a tax, and therefore we cannot spare them. But we are not of those who would make of our philanthropy a profitable investment. When American citizens become unable and incapable of supporting and upholding the government and laws of their own making, then it will be time for us, and not till then, to import Chinese, Malays, and Negroes, to do that for us which we have not the virtue and patriotism to do for ourselves.

Your Committee believe that the only place in our State where the Chinese could be of any permanent advantage to the country, would be in the reclamation and cultivation of the Tule lands, but does any one for a moment suppose that they will ever settle in the Tules, and work in the mud among the mosquitoes and frogs, so long as they are allowed the privilege of working our mines and breathing our pure mountain air? Most assuredly not. If they are permitted to remain amongst us in their present unprotected condition before our courts, they will be compelled to seek the individual protection of our citizens, and will in a few years become virtually our slaves.

The direct question at issue, is between the American laborer on one side, and the Chinese laborer and capitalist on the other. The American laborer claims the exclusive privilege and right of occupying and working the immense placers of our State. They look upon the mines as being the just inheritance of the laboring poor of America, and the only class of laborers that they are willing to admit to any participation of this rich inheritance with them, are those of kindred lands, whom they can receive as brothers.

They ask us to protect them from the immense hordes of Asia, who, like the locusts of Egypt, leave nought but desolation in their path.

If this class of foreigners are excluded from the Mines, our own laboring classes will for a long series of years have the advantage of capitalists.

Our laborers wish to keep up the value of their toil to a fair standard of competition among themselves, but you allow capitalists to import Chinese labor upon them, and the equilibrium is destroyed, capital is triumphant, and the laboring poor of America must submit to the unholy sacrifice.

The majority of your Committee believing that the interests of our people, the good of society, and sound policy, all demand prompt and decisive action on the part of the Legislature, to arrest the further progress of the great social and political evils resulting from the admission of the Asiatic races into our mines.

We therefore beg leave to present a substitute, embracing the main features of the three bills referred to us, and respectfully urge its passage.

J. E. CLAYTON, Chairman,
D. O. ADKISON,
SAMUEL McCURDY,
T. J. KEYS,
E. BOGARDUS,
M. ANDREWS,

Committee.

One thousand copies of the above report was ordered printed; also one thousand copies of the minority report on the same subject, made a few days since by Mr. Stevens.

Mr. Andrews from Select Committee, made the following report :

Mr. Speaker :

The minority of the Committee, to whom was referred Assembly bill No 52, having had the same under consideration, would recommend its indefinite postponement. The minority are of the opinion, that legislating for the mining sections of the State is not only dangerous, but is taking from the Miners what has ever been their right, to make their own laws and regulations; and from all the information that we are able to obtain, they are of the opinion, that the majority of the ditch owners are satisfied with the decisions of the Courts of this State, and do not wish any legislation for ditches or other mining property

M. ANDREWS,
E. BOGARDUS,
E. F. BEATTY,
Of Committee.

Mr. Foster made the following report

Mr. Speaker :

The Committee to whom was referred Assembly bill No. 245, have had the same under consideration, and recommend the passage of the bill without amendment.

FOSTER,
Chairman.

Assembly bill No. 245, reported above, An Act to protect the owners of growing crops, buildings, and other improvements in the mining districts of this State, was placed on file.

Mr. Keys made the following report :

Mr. Speaker :

The Select Committee, to whom was referred Assembly bills Nos. 20, 21, and 160, Acts entitled Acts to prohibit carrying concealed Weapons, report the same back without recommendation, being unable to agree.

KEYS,
Chairman.

The bills above reported, were placed on file.

Mr. Brewton made the following report :

Mr. Speaker :

The Sacramento delegation have had under consideration Assembly bill No. 280, An Act to authorize the working of County Convicts in Sacramento County, and recommend its passage without amendment.

H. B. MEREDITH,
P. L. EDWARDS,
J. R. VINEYARD,
J. G. BREWTON.

The bill reported above was ordered engrossed.

The following messages were received from the Governor, which were read, and referred to the Committee on Commerce and Navigation :

EXECUTIVE DEPARTMENT,
Sacramento, March 16, 1855. }

To the Senate and Assembly of California :

I deem it my duty to invite your attention to a subject of great importance to the commercial interests of the State, and to urge upon you the propriety of early and favorable action in order to secure to our citizens the advantages arising from the present large and lucrative trade in the Pacific, which is now enjoyed almost exclusively by others.

It may be proper here to remark, that before the assembling of the present Legislature, I endeavored, but failed, to obtain reliable information in relation to the whaling fleet in the Pacific, with a view of suggesting in my annual message the changes necessary to be made in our own laws to secure for the city of San Francisco and the State of California, the benefits accruing from this immensely valuable branch of commerce.

The information then sought and desired was, however, received by me a few days since, and is now presented for your examination; and, it is hoped, that the facts presented will induce you to remove all unnecessary restrictions at present imposed by our own laws, and, by the passage of other liberal and wholesome enactments, invite to our shores the immensely lucrative trade which is now, principally through our own restrictions, driven into other channels.

The number of vessels engaged, the amount of capital invested by citizens of the United States in the fisheries on this coast, and the immense sums annually expended in the ports visited to obtain recruits, supplies, etc., are sufficient to

merit the serious consideration of the Legislature of a great and growing commercial State, with a view of directing to its own ports an extended and valuable trade.

I therefore take much pleasure in presenting such facts and information relative to this great source of wealth and prosperity, as will, it is hoped, induce you to adopt such measures as may be regarded necessary to divert this vast fleet from the islands of the Pacific to our own commodious ports, as more convenient and safe as places of rendezvous in the spring and fall seasons of each year. The immense fleet of whalers in the north and middle Pacific are now compelled to resort, in the spring and fall seasons of each year, to other ports in the Pacific, for the purpose of procuring supplies, recruits, making repairs, re-shipping cargo, and for other purposes appertaining to an outward voyage of of from three to five years.

Heretofore these whalers have almost invariably resorted to Honolulu and other ports of the Sandwich Islands; but, as the greater portion of the whaling fleet is engaged in the extreme northern part of the Pacific ocean, and in seeking a recruiting port at the Islands must necessarily pass the very portals of our own commodious harbors, there must exist some good and substantial reasons for thus sailing three thousand miles from their whaling grounds, the scenes of their annual operations, and to which they must again return by retracing the same long and tedious track.

These reasons are believed to be founded almost entirely upon the provisions of our own laws, and should be obviated without delay by wise and proper enactments.

In order that you may fully understand the nature and effects of the restrictions imposed by our statute, and the difficulties which should be removed, it is deemed proper in the first place to explain, as briefly as possible, some of the more important of the wants and requirements of those engaged in the fisheries on the Pacific coast.

From reliable information in my possession, the following are ascertained to be the real and most important wants of whalers in the Pacific, and it will be observed that a few slight modifications of our own laws, and the enactment of some additional provisions for the protection of masters and owners of whaling vessels, will render the port of San Francisco eminently superior to any now found in the Islands of the Pacific.

First. A good market for the sale of oil and bone, or adequate means for shipping the same home.

Second. Early advices from owners and friends on the Atlantic seaboard.

Third. Money for disbursing the ship and paying off the crew, and recruiting for another season.

Fourth. Suitable accommodations, such as safe harbors, wharves, store-houses and docks for the speedy and necessary repairs of ships.

Fifth. Fresh provisions, vegetables and other usual sea stores, including ship chandlery, etc.

In regard to the first requirement, it is evident that San Francisco more fully meets it than any other port on the Pacific coast. The market for oil and bone is better there than at the Islands, and perhaps not inferior to that of the Atlantic cities. In fact, I am assured that during the year 1854, more than two hundred thousand gallons of oil were shipped from Honolulu to San Francisco, to one house alone, as affording a better market than could be found at the Islands.

It is certainly undeniable that the facilities for transshipping oil and bone to the Atlantic, South America, and other neighboring markets, are much greater at the port of San Francisco than at Honolulu or any other Pacific port.

The importance to our own merchants and ship owners of this valuable trade

may be estimated from the following statements obtained from reliable sources: During the year ending December 22, 1854, there was shipped from Honolulu alone, principally to the ports of New London and New Bedford, sixty-seven thousand one hundred and thirty-four gallons of sperm oil; one million two hundred and thirty-nine thousand four hundred and thirty-three gallons of whale oil, and seven hundred and forty-four thousand one hundred and ninety-five pounds of bone; the freight on which, at a fair average of seven cents per gallon for oil, and one cent per pound for bone, would amount to ninety-eight thousand nine hundred and one dollars and sixty-four cents, (\$98,901 64).

From papers, documents and other reliable evidence on file in this office, I am enabled to state that there are now engaged in the Pacific fisheries, six hundred and fifty ships and barks, manned by fifteen thousand seamen, each of whom has a certain interest in the products and profits of the voyage. In the year 1853, two hundred and seventy-five of these vessels, manned by eight thousand seamen, visited the Sandwich Islands for repairs, supplies, etc.

The entire amount of capital invested in these vessels and operations, by citizens of the United States, is estimated at not less than twenty millions of dollars.

The average cost of each ship and outfit being about thirty-five thousand dollars; that portion which semi-annually visits the Islands, it will be seen, represents, in the aggregate, a capital of not less than nine million five hundred thousand (\$9,500,000) dollars.

The necessary semi-annual expenditures for supplies, repairs, etc., for each vessel so employed, is about five hundred dollars, amounting, in the whole, to nearly one hundred and fifty thousand, equal to three hundred thousand dollars per annum.

These facts and figures are sufficient to demonstrate the importance of efficient action on your part to secure for our own people the benefits to be derived from this extensive branch of American commerce.

As regards the second requirement, viz: early and sure advices from owners and friends in the Atlantic States, it is evident to all that San Francisco is possessed of facilities far superior to any other port on the Pacific, by reason of frequent and uninterrupted communication by steam.

As to money for the necessary expenses of the ship, it is hardly necessary to say that the bills of masters or agents could be negotiated in San Francisco on the most favorable terms, and no doubt would readily be taken by our merchants, bankers and others, for remittance, as the best security, not even excepting government drafts.

From papers in this office I derive the additional information that, during the year 1852, drafts were drawn at the various Pacific Islands, amounting, in the aggregate, to about eight hundred and fifty thousand dollars (\$850,000); in 1853, six hundred and fifty thousand dollars (\$650,000); and in 1854, five hundred thousand dollars; amounting, in three years, to about two millions of dollars.

In comparing our large and magnificent harbors, capacious storehouses, extensive wharves, and improved docks and dock yards with those at present found at the Islands, it cannot be denied that San Francisco stands pre-eminent in all these particulars over any or all other ports on this coast. Necessary repairs can be perfected with greater facility and dispatch, and, consequently, with less delay and expense at San Francisco, than in the enervating climate of the tropics. The prices of labor and materials in the two ports, I am assured, vary but little, and that all the material supplies for the perfect equipment of a whale ship are now exported from this country to the islands, and, unless passed in bond, are subject to a duty of five per cent.

It will thus be seen, that for the reception, accommodation and outfit of the

large fleet engaged in the fisheries, San Francisco is possessed of all the requisites calculated to induce those engaged in whaling operations in the Pacific to resort there for repairs, recruits and supplies. But these advantages, although certainly great, are more than overbalanced by evils and disadvantages, which must be obviated by proper legislative enactments, if you would divert this immensely valuable commerce to the ports of California.

It is deemed proper in this connection, briefly to enumerate the evils most complained of, the removal of which, I am assured by gentlemen conversant with the wishes, interests and wants of whalers, would, in a short time, attract to our own shores the commerce so much desired, and not only advance the prosperity and augment the wealth of the City of San Francisco, but lend additional impetus to the various interests of the entire State, and especially that of agriculture.

The most prominent of the objections urged by masters and agents of whale ships to entering the port of San Francisco, and making it the place of semi-annual rendezvous, is the fact that under the provisions of our pilot laws the vessel is subjected to a very heavy charge for pilotage.

Vessels engaged in the fisheries on this coast, I am credibly informed, draw from ten to twenty feet of water. The charge for pilotage, under the existing law, is \$8 per foot, and taking the average of these ships at fourteen feet draught, the cost of pilotage, in and out of the port of San Francisco, would amount to about \$224 for each visit of a whale ship.

On the other hand, the pilotage exacted at the Islands is but one dollar per foot, in and out, and will average but \$28 to the visit. It will readily be perceived from this statement, that the pilot charges allowed in our own ports are so exorbitant as to effectually prevent the visit of whale ships for repairs, supplies, etc., and, in truth, amount to a virtual exclusion from our own ports of this branch of American commerce.

It is true that under the Act of 1854, whalers are exempt from pilot charges if they enter without the services of a pilot, but are compelled to pay at the above rates in case a pilot is signalled and taken on board. But in view of the fact that entering the harbor without a pilot would probably, if not certainly, in case of accident, vitiate their policies of insurance, these vessels, it is presumed, would be unwilling to enter the harbor without a pilot. I would, therefore, recommend that the Act of 1854, be so amended as to fix one dollar per foot as the pilotage charge for vessels engaged in the whaling business.

This reduction would not injuriously affect the present pilots, for the reason that it would greatly increase the commerce of San Francisco, and not only add to the number of vessels subject to full pilotage, but increase their receipts from whale ships now virtually excluded from the port by the present high rates of pilotage.

I am also credibly informed that the Act of May 11, 1854, which exempts whale ships from pilot charges, except when desired, has been published in pamphlet form in the City of San Francisco, but the provision exempting whalers from pilotage has been omitted. These pamphlets, with this important omission, are distributed throughout the city, and the actual provisions of the law, so far as it relates to whalers, are generally unknown, thus rendering owners and masters of whale ships visiting that port liable to imposition. I would, therefore, further recommend the publication of the law, amended as herein suggested, and that copies of the same be posted in the counting rooms of merchants in the City of San Francisco, for the better and more certain information of all interested.

Another source of annoyance and vexation to masters and owners of whaling vessels, is found in the fact that the contracts between them and seamen, entered

into in the Atlantic States, are not sufficiently protected or enforced in our ports. The enforcement of these contracts and the delivery of deserters, it may be proper here to state, comes entirely within the jurisdiction of the Admiralty Courts of the General Government at San Francisco, and to remedy this evil, it will, perhaps, be necessary for you to memorialize Congress for the passage of a stringent enactment compelling the Federal Courts or United States Commissioner on this coast to enforce all legal contracts between seamen and the employers.

There are also many and loud complaints of the unwarrantable interference of a class of persons who, it is said, seek to entice sailors to desert, and enter frivolous and vexatious law suits against the masters or agents of whaling vessels. These suits almost invariably result in great injury to plaintiff or defendant, and benefit only the active agents in their institution. An efficient remedy for this evil, should without delay be provided by stringent legislative enactment.

Without further remark, the whole subject is commended to your careful examination as one eminently worthy of early and favorable consideration.

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }
Sacramento, March 14, 1855 }

To the Assembly of California :

I have this day approved of the following Acts, viz :

An Act to fix the time of holding the District Court in the Third Judicial District.

An Act extending the provisions of an Act giving the Consent of the Legislature of the State to purchase, by the United States, of land within this State, &c.

An Act supplementary to an Act passed May 15, 1854, entitled an Act to fund the Debt of the County of Mariposa, and provide for the payment of the same.

An Act supplementary to an Act entitled an Act concerning County Recorders, passed March 26, 1851.

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }
Sacramento, March 16, 1855 }

To the Assembly of California :

I have this day approved an Act which originated in the Assembly, entitled An Act to fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of June, A. D. 1853, and the 1st day of July, A. D. 1855.

Also, An Act to prohibit barbarous and noisy Amusements on the Christian Sabbath

JOHN BIGLER.

The following communication was received from the Secretary of State:

OFFICE OF SECRETARY OF STATE, }
Sacramento, March 16, 1855. }

*To the Honorable the Assembly
of the State of California :*

In obedience to a resolution of your body, I procured of Hiller & Andrews of this city, a Clock for the Assembly Hall, and which you now have in use. Accompanying this is their bill for the same, amounting to two hundred and ninety dollars. I made no specific agreement with Messrs. Hiller & Andrews, as to the price, but left the matter to be settled between them and the Legislature as best they may. There is a similar bill by the same parties for a Clock for the Senate, which I this day transmitted to that body.

J. W. DENVER,
Secretary of State.

The following message were received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed, on the 14th instant, Senate bill No. 114, entitled An Act concerning the County Records of Los Angeles County

Also, that the Senate have adopted the report of the Committee of Conference upon the disagreeing vote of the two Houses upon Assembly bill No. 192, entitled An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers.

Also, that they yesterday concurred in Assembly Concurrent Resolution, directing the appointment of a Committee of three from the House and two from the Senate, to examine Mr. Olds's Library, and report upon the propriety of purchasing the same for the use of this State; and that Messrs. Kendall and Hawthorne are appointed such Committee on the part of the Senate.

WM. A. CORNWALL,
Secretary Senate.

Senate bill No. 114, a bill for An Act concerning the County Records of Los Angeles County—

Read third time and passed

The following message was received from the Senate :

Mr Speaker :

I am directed to inform the Assembly that the Senate passed, yesterday, Senate bill No. 120, entitled An Act to amend the second section of an Act entitled an Act concerning County Judges, passed April 4, 1854.

Also, that they passed Assembly bill No. 132, entitled An Act concerning the Offices of Treasurer and Controller of State.

Also, that they passed Assembly bill No. 146, entitled An Act to authorize H. Henderson, John Dooling, A. Thompson, and such others as they may associate with them, to construct a Wagon Road from Eureka, in Nevada County, to the Truckee Meadow, east of the Sierra Nevada Mountains

Also, that they passed Senate bill No. 46, entitled An Act concerning the Duties of County Treasurers.

Also, that they concurred in amendments made by the Assembly to Senate bill No. 60, entitled An Act to suppress Houses of Ill Fame.

Also, that they concurred in Assembly Concurrent Resolution, directing the Secretary of State to print five hundred copies each of the Supervisor Act, the Common School Act, and the Census Act, and also directing him to distribute such printed Acts among the County Judges of their respective Counties, &c.

Also, that they indefinitely postpone Assembly bill No. 196, entitled An Act giving certain powers to the County of Placer.

Also, that on the 15th instant, they passed Senate bill No. 59, entitled An Act to provide for certifying and removing certain cases from the Courts of this State to the United States Circuit Courts, and to remove, by writ of error, certain cases from the Supreme Court of this State to the Supreme Court of the United States.

WM. A. CORNWALL,

Secretary Senate.

Senate bill No. 120, above reported—

Read first and second time, and referred to the Committee on Counties and County Boundaries.

Senate bill No. 46, above reported—

Read first and second time, and referred to the Judiciary Committee.

Senate bill No. 59, above reported—

Read first and second time, and referred to the Judiciary Committee.

Mr Jones offered the following resolution :

Resolved, That a special Committee of five be appointed to examine into and report the cost of the State Printing for each fiscal year, and an estimate for the present fiscal year of the probable cost of the same, and also to report a bill at an early day, providing for the contracting the whole public printing of each year to the lowest bidder, with such provisions as to reduce the annual cost of the same.

Adopted, and Messrs Jones, Farwell, Farley, Ryland, and Watkins, were appointed the Special Committee.

Mr Wells offered the following resolution :

Resolved, That the Judiciary Committee be, and they are hereby, respectfully requested to report to this House, at an early day, whether or no, in their opinion, the Legislature have the constitutional power in confirming a grant and license secured to an incorporated bridge company by a Court according to law, to go farther, and confer additional rights, powers, and privileges upon such company by special enactment

Adopted

Mr. McCutchan offered the following resolution :

Resolved, That no member of this body have leave of absence, except in cases of sickness, or necessary absence on Legislative business

Laid on the table.

On motion of Mr. Oxley, Assembly bill No. 218, An Act amendatory of an Act to establish an Asylum for the Insane of the State of California, passed May 17, 1853.

Considered engrossed, read a third time, and passed.

On motion of Mr. Oxley, the House resolved itself into Committee of the Whole, (Oxley in the chair,) to consider Senate bill No. 76, a bill for An Act to provide for the Indigent Sick in the Counties of this State.

The substitute was adopted, the Committee rose, reported, and were discharged.

Mr. Bufum offered the following amendment :

“That two-fifths of the commutation tax be apportioned to the County of San Francisco.”

Lost.

Mr. Moreland made the following report :

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed, An Act to provide for the Settlement of the affairs of the State Marine Hospital at San Francisco, and to dispose of the property belonging to the same, and also to provide for the Indigent Sick remaining therein at the cost of the State on the first day of April, 1855.

Also, An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854.

Also, An Act amendatory of an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, passed March 30, 1853.

Also, An Act to legalize a certified copy of Book “A” of Records of Sacramento County.

Also, An Act to discharge the Board of Examiners of War Claims from further duties.

Also, An Act to authorize the funding of the outstanding Stockton City Scrip.

Also, An Act to extend the time of holding the Annual Election for City Officers of the City of Sacramento for the year 1855.

And also An Act to provide J. G. Stebbins, W. W. Stow, and H. P. A. Smith, with duplicate Warrants in lieu of certain Warrants lost or destroyed.

THOS. MORELAND,

Chairman.

On motion of Mr. Adkison, the House adjourned, 1 o'clock and 5 minutes P. M.

IN ASSEMBLY.

TUESDAY, March 20, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll was called, and,

Messrs. Bates, Brown of Contra Costa, Knox, Mellus, and Taylor, were absent.

On motion. Mr. Oxley was granted leave of absence for five days.

Journal of yesterday was read and approved.

Mr. Phelps presented a petition, praying for a Prohibitory Liquor Law.

Read, and referred to the Committee on Vice and Immorality.

Mr. Adkison presented a petition on the same subject.

Read, and referred to the same Committee.

Mr. Andrews presented a petition on the same subject.

Referred to the same Committee.

Mr. Moreland presented a petition on same subject.

Referred to same Committee.

Mr. Taylor presented a petition in relation to frauds practiced in selling Flour.

Read, and referred to a Select Committee of five, previously appointed.

Mr. Vineyard introduced a bill for An Act concerning the County Judge of Sacramento County.

Read first and second time, and referred to the Sacramento delegation.

Mr. Brown introduced a bill for An Act granting to Bartholomew Murphy and John Lenox the right to construct a bridge across the South Yuba river, opposite the town of Washington, in Nevada county.

Read first time.

Mr. McCurdy introduced a bill for An Act amendatory of an Act to create the County of Stanislaus, and define its boundaries, approved May 3, 1854.

Read first and second time, and referred to the Tuolumne and Stanislaus delegations.

Mr. Dana introduced a bill for An Act amendatory of an Act entitled an Act relative to Port Wardens in San Francisco, Sacramento, and other Ports in California, passed March 19, 1853.

Read first and second time, and referred to the Committee on Commerce and Navigation.

Mr. Stevenson introduced a bill for An Act granting Jesse Beesan the right to construct a Toll Bridge, across the Middle Fork of the Cosumnes River.

Read first and second time, and referred to the El Dorado delegation.

Mr. Douglas introduced a bill for An Act concerning Orphans.

Read first and second time, and referred to the Judiciary Committee.

Mr. Taylor introduced a bill for An Act to regulate Proceedings in the Recorder's Court of the City of San Francisco.

Read first and second time, and referred to the San Francisco delegation.

Mr. Douglas gave notice that he would introduce a bill to enforce the collecting of back Gambling Licenses.

Mr. Johnston, of San Francisco, gave notice, that he would introduce a bill for

An Act entitled an Act to regulate the Police of such Passengers arriving in the Ports of this State, as are not capable of becoming Citizens of the United States.

Mr. Ferrell gave notice that he would introduce a bill to legalize the acts of the County Recorder of San Diego County, while acting as County Auditor since the 3d of May, 1852.

Also, a bill to amend An Act entitled an Act to create a Board of Supervisors for the County of San Diego, and to define their duties.

Mr. Murdock gave notice that he would introduce a bill to provide for the redemption of the outstanding War Bonds previous to maturity.

Mr. Johnston of San Francisco gave notice that he would introduce a bill for An Act to prohibit the sale, or offering for sale, food injurious to health.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker :

The Committee on the Judiciary report that they have considered Senate bill No 59, entitled An Act to provide for certifying and removing certain cases from the Courts of this State to the United States Circuit Courts, and to remove by writ of error certain cases from the Supreme Court of this State to the Supreme Court of the United States.

Also, Senate bill No 46, entitled An Act concerning the duties of County Treasurer, and recommend the passage of both without amendment.

Respectfully submitted.

P. L. EDWARDS,
Chairman.

Assembly bill No. 59, reported above, was placed on file.

Mr. Burke made the following report :

Mr. Speaker:

The Judiciary Committee, to whom was referred the bill to amend An Act to regulate the settlement of the [Estates of Deceased Persons, after due consideration of the bill, would beg leave to offer an additional section of the bill, and that the enumeration of the sections of this bill be so altered as to be consistent with the bill in the amended form.

BURKE,
Of Committee.

Senate bill No. 33, reported above, was placed on file.

Mr Ryland made the following report :

Mr. Speaker:

The Judiciary Committee having had under consideration Assembly bill No. 108, for An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, have directed me to report the same back amended, and to recommend its passage.

RYLAND,
Of Committee.

Assembly bill No. 108, reported above, was placed on file.

Mr. Douglas verbally reported Assembly bill No. 268, An Act defining the legal settlement of Paupers in the State, and providing for their support.

The bill was ordered on file.

Mr. Cory made the following report .

Mr. Speaker :

The Committee on Corporations, to which was referred Assembly bill No. 273, An Act amendatory of an Act entitled an Act to incorporate Crescent City, passed April 13, 1854, have had the same under consideration, and would respectfully report the same back with amendments, and recommend its passage as amended.

CORY,

Of Committee.

The following message was received from the Senate :

SENATE CHAMBER, March 19, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed yesterday Senate bill No. 57, An Act to cede certain Property to the City of Benicia.

WM. A. CORNWALL,

Secretary of Senate.

Senate bill No. 57, An Act to cede certain Property to the City of Benicia—

Read first and second time, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Amyx, the two reports, (of Messrs. Clayton and Stevens,) which were ordered printed separately on yesterday, were ordered printed together.

Assembly bill No. 235, An Act amendatory of An Act to provide for the protection of Foreigners, and to define their liabilities and privileges, passed March 30, 1853—

Read third time, and on its passage, Messrs. Wells, Johnston of El Dorado, and Stevenson, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Baker, Beatty, Bogardus, Brewton, Brown of Contra Costa, Burke, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Ferrell, Foster, Ferguson, Graves, Gragg, Johnston of El Dorado, Johnston of San Francisco, Jones, Keys, McCurdy, Mellus, Quinn, Ryland, Stevens, Stevenson, Singley, Stewart, Updegraff, Vineyard, Watkins, Wells, and Mr. Speaker—40.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Ashley, Adkison, Brown of Nevada, Chase, Flournoy, Gaver,

Gaylord, Geller, Knox, Lincoln, McCutchan, Moreland, Phelps, Sherrard, Smith of Marin, Taliaferro, and Waite.—18.

So the bill was passed.

Mr. Wells gave notice that he would, on to-morrow, move a reconsideration of the vote just taken.

Assembly bill No. 203, An Act to incorporate the Town of Martinez—

Considered engrossed, read third time, and passed.

On motion, the House resolved itself into Committee of the Whole, Mr. Stevenson in the Chair, on Senate bill No. 75, An Act appropriating money to pay Louis Bartlett for services rendered the State.

The Committee rose, reported the bill back to the House, recommended its recommitment to the Committee on Claims, and was discharged.

The House refused to concur in the recommendations of the Committee.

The bill being upon its passage, Messrs. Ashley, Ryland, and Quinn, demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Adkison, Baker, Beatty, Bogardus, Brewton, Brown of Nevada, Buffum, Cammet, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Graves, Hosmer, Lincoln, McCurdy, Mellus, Murdock, Phelps, Stevens, Stevenson, Sherrard, Singley, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Waite, Wells, Whitney, and Mr. Speaker—43.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Ashley, Coombs, Cook, Cunningham of El Dorado, Ferrell, Gragg, Johnson of El Dorado, Jones, Knox, Moreland, Quinn, Ryland, and Watkins—15.

So the bill passed.

Assembly bill No. 261, An Act to fix the compensation of the County Judge of Sierra County, and to repeal, in part, the first section of an Act entitled an Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, passed May 17, 1853—

Considered engrossed, read third time, and passed.

Mr. Chase offered the following resolution :

Resolved, That the State Printer is hereby authorized to print two thousand copies of the State Geologist's report, for the use of this House.

Adopted.

Assembly bill No. 244, An Act to provide for the survey and construction of a

Wagon Road from the Sacramento Valley to the Eastern Boundary of the State, and all the bills relating to the same subject, was, on motion of Mr. Ryland, placed at the foot of the file.

Assembly bill No. 247, An Act to amend the four hundred and second section of an Act entitled an Act to regulate Proceedings in Civil Cases in Courts of Justice of this State, passed April 29, 1851—

On motion of Mr. Edwards, recommitted to the Judiciary Committee

Mr. Meredith, Chairman, made the following report :

Mr. Speaker:

The Joint Committee on Enrollment have examined, and find correctly enrolled—
An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers.

H. B. MEREDITH,
Chairman.

Mr. Moreland, Chairman, made the following report :

Mr. Speaker:

The Committee on Engrossment have examined, and find correctly engrossed,
An Act entitled an Act defining the time for commencing Civil Actions, passed April 22, 1850

MORELAND,
Chairman.

Assembly bill No. 2, An Act to divide the State of California into Congressional Districts, placed at the foot of the file.

Assembly bill No. 248, An Act to punish Vagrants, Vagabonds, and Suspicious Persons—

— Taken up, amended, and indefinitely postponed.

The following message were received from the Senate :

SENATE CHAMBER, March 20, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on yesterday, pass Assembly bill No. 116, An Act amendatory of and supplementary to an Act entitled an Act to provide for the Incorporation of Towns, passed March 27, 1853.

Also, Assembly bill No. 40, An Act to amend an Act entitled an Act amendatory of and supplementary to the Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854.

Also, Assembly bill No. 209, An Act supplementary to an Act defining the time for commencing Civil Actions in Certain Cases, passed May 4, 1852

Also, Senate bill No. 42, An Act to supply a deficiency in the appropriation to provide for the Survey of a portion of the Northern Boundary of this State.

Also, that they have this day passed Senate bill No. 82, An Act concerning Roads and Highways.

Also, Senate bill No. 127, entitled An Act amendatory of an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

And also amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, passed May 15, 1854.

WM. A. CORNWALL,

Secretary Senate.

Senate bill No. 42, An Act to supply a deficiency in the appropriation to provide for the Survey of a portion of the Northern Boundary of this State—

Read first and second time, and referred to a Select Committee of five : Messrs. Arrington, Curtis, Rowe, Murdock, and Bates.

Senate bill No. 82, An Act concerning Roads and Highways—

Read first and second time, and referred to Select Committee previously appointed, Johnston, of San Francisco, Chairman.

On motion, the House resolved itself into Committee of the Whole, Mr. Taylor in the chair, to consider Assembly bill No. 258, An Act for the relief of the City of Sacramento.

Committee rose, reported the bill back, and were discharged.

Mr. Knox moved the indefinite postponement of the bill.

Mr. Flournoy moved a call of the House.

Sustained, and the Clerk proceeded to call the roll.

On motion of Mr Buffum, further proceedings under the call were dispensed with.

Messrs. Watkins, Knox, and Stevenson, demanded the ayes and noes on the indefinite postponement of the bill, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Ashley, Adkison, Baker, Beatty, Brown of Contra Costa, Cammet, Chase, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Dana, Doughty, Ferrell, Flournoy, Foster, Geller, Gragg, Hosmer, Johnson of El Dorado, Jones, Keys, Knox, Lincoln, McCutchan, Mellus, Moreland, Quinn, Ryland, Stevens, Stevenson, Singley, Stewart, Vineyard,, Watkins, Waite, Wells—39.

Those who voted in the negative were—

NOES.

Messrs. Andrews Bogardus, Brewton, Brown of Nevada, Buffum, Burke, Cory, Clayton, Cunningham of Sierra, Curtis, Douglas, Edwards, Ferguson, Gaver, Gaylord, Graves, Johnston of San Francisco, McCurdy, Meredith, Murdock, Palmer, Phelps, Sherrard, Smith of El Dorado, Smith of Marin, Taliaferro, Taylor, Updegraff, Whitney, Mr. Speaker—30.

So the bill was indefinitely postponed.

Mr. Waite gave notice that, on to-morrow, he would move a reconsideration of the vote just taken.

Assembly bill No. 266, An Act granting the use of certain Overflowed Lands to James F. Hibbard.

Read first and second time and referred to Alameda and Santa Clara delegations.

Assembly bill No. 101, An Act supplementary to and amendatory of an Act entitled an Act to provide for the sale of the interest of the State of California in the Property within the "Water Line Front" of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain Property of the State of California, (passed March 26, 1851,) passed May 18, 1853.

Substitute taken up, amended and adopted.

Mr. Dana moved to lay the bill on the table.

Not agreed to.

The bill was ordered engrossed.

Assembly bill No. 155, An Act to authorize Hiram D. Scott to construct a Wagon Road from the Town of Santa Cruz to Santa Clara Valley—

Taken up and placed on file.

Mr. Stevenson moved to adjourn.

Not agreed to.

Assembly bill No. 251, An Act to authorize the Board of Supervisors in and for the County of Sutter to levy a Special Tax for the erection of Public Buildings in said County—

Considered engrossed, read third time, and passed.

Assembly bill No. 267, An Act to regulate the Fees of Coroner in the County of San Francisco—

Considered engrossed, read third time and passed.

Assembly bill No. 44, An Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial officers, passed May 19, 1853—

Considered engrossed, read third time, and

Messrs. Ashley, Buffum and Hosmer, demanded the ayes and noes on its passage, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Beatty, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cammet, Cory, Chase, Clayton, Coombs, Cook, Corarrubias, Cunningham of El Dorado, Curtis, Dana, Douglas, Doughty, Flournoy, Foster, Ferguson, Geller, Graves, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Knox, McCutchan, McCurdy, Mellus, Moreland, Murdock, Palmer, Phelps, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Updegraff, Watkins, and Whitney—49.

Those who voted in the affirmative were—

NOES

Messrs. Arrington, Ashley, Rowe, Taylor, Waite, Wells, and Mr. Speaker—7.

So the bill passed.

Mr. Buffum moved to reconsider the vote just taken.

Mr. Stevenson moved to indefinitely postpone the motion.

Agreed to.

Mr. Smith, of Marin, offered the following resolution :

Resolved, That this House, with a just consideration of, and as a mark of the high esteem in which the Assembly hold the worthy mission and noble deeds of that distinguished woman and philanthropist, Miss Pellet, do extend to her, most respectfully, an invitation (through a Committee of two, appointed by the Chair,) to deliver a lecture on Temperance in the Assembly Hall, this, Tuesday evening, March the 20, 1855, at 7 o'clock, P. M.

Mr. Cunningham, of El Dorado, moved to lay the resolution on the table.

Not agreed to.

The resolution was adopted, and Messrs. Smith and Curtis were appointed Committee of Invitation.

On motion of Mr. Keys, the House adjourned at twenty minutes past 3 o'clock, P. M.

IN ASSEMBLY.

WEDNESDAY, March 21, 1855.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, members all present except those absent on leave and on business of the House.

Journal of yesterday was read and approved.

Mr. Ryland presented a petition for the relief of the city of San Jose.

Read and referred to the Committee on Claims

Mr. Johnston, of San Francisco, presented a remonstrance from citizens of San Francisco against abolishing the office of Guager for said city.

Read and referred to San Francisco delegation.

Mr. Adkison presented a petition for an Act to construct a bridge across the Feather River.

Read and referred to a select Committee heretofore appointed.

Mr. McConnell presented a petition to suppress gambling.

Read and referred to Committee on Vice and Immorality.

Mr. Rodgers presented a petition from William H. Thorpe and others, for a steam ferry between Saucelito and San Francisco.

Read and referred to San Francisco delegation.

Senate bill No. 127, An Act amendatory of an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, and also amendatory of an Act entitled An Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in Civil

Cases in the Courts of Justice of this State, (passed April 29, 1851,) passed May 15, 1854.

Read first and second time and referred to Judiciary Committee.

Also, Assembly bill No. 215, An Act to amend an Act to regulate proceedings in Civil Cases in Courts of Justice of this State, passed April 29, 1851.

On motion of Mr. Ryland, re-committed to Judiciary Committee.

Assembly bill No. 288, An Act granting to Bartholemew Murphy and John Lennox the right to construct a Bridge across the South Yuba River, opposite the Town of Washington, in Nevada County.

Read second time and referred to Nevada Delegation.

Mr. Johnston, of San Francisco, introduced a bill for an Act to regulate the Police of such Passengers arriving in the Ports of this State as are not capable of becoming citizens of the United States.

Read first and second time, referred to select Committee of five and ordered printed.

On motion of Mr. Ferrell, Assembly bill No. 193, An Act concerning Passengers arriving in Ports of this State, who are ineligible to become Citizens, was taken from Judiciary Committee and referred to special Committee having that matter in charge.

Mr. Vineyard introduced a bill for an Act for the relief of Joseph Marzen and Bernhard Mayer.

Read first time.

Mr. Murdock introduced a bill for an Act to provide for the redemption of California War Bonds previous to maturity.

Read first and second time and referred to Committee on Ways and Means.

Mr. Ferrell introduced a bill for an Act to amend an Act entitled an Act to create a Board of Supervisors for the County of San Diego, and to define their Duties.

Read first and second time and considered engrossed.

Read third time and passed.

Mr. Ferrell introduced a bill for an Act to legalize the Acts of the County Recorder of the County of San Diego, while acting as County Auditor, since the third day of May, 1852.

Read first and second time and considered engrossed.

Read third time and passed.

Mr. Ashley introduced a bill for an Act amendatory of an Act to regulate proceedings in Criminal Cases.

Read first and second time and referred to Judiciary Committee.

Mr. Taylor introduced a bill for an Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

Read first and second time and referred to Judiciary Committee.

Mr. Johnston, of San Francisco, introduced a bill for an Act to prohibit the Sale or offering for Sale of Food injurious to Health.

Read first and second time and referred to Committee on Vice and Immorality.

Mr. Cook gave notice that he would introduce a bill for an Act to authorize J. P. Lane, R. L. Matthews and others to construct a Wagon Road from the Valley of the San Joaquin, through the Coast Range of Mountains, to the Valley of San Juan, in Monterey County.

Mr. Knox gave notice that he would introduce a bill for an Act for the relief of the citizens of Nevada City, asking for an appropriation of \$80,000 for taking care of the indigent sick immigrants.

Mr. Buffum, Chairman, made the following report :

Mr. Speaker :

The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 272, An Act amendatory of an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1851, have had the same under consideration and report the same back without amendment and recommend its passage.

Your Committee have had referred to them the message of his Excellency, the Governor, containing many interesting and valuable statistics in relation to the subject matter embraced withing the provisions of the bill, and also a communication from Messrs. Morgan & Hathaway, most respectable merchants of San Francisco, who are thoroughly acquainted with the whaling trade of the Pacific Ocean.

From all the information which your Committee can gather, they are led to believe that the passage of the accompanying bill will have a tendency to direct the whaling trade of the Pacific Ocean into the harbor of San Francisco, for the purposes of supplies, repairs and recruiting, and that, although some additional police regulations may be necessary to make this permanent, the passage of this bill will lay the foundation of this valuable commercial movement, and that other necessary provisions may be passed as they are required.

All of which is respectfully submitted,

BUFFUM,
Chairman.

The bill reported above was placed on file.

Mr. Ryland made the following report :

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 121, having had the same under consideration, beg leave to report as follows :

That the objects of the bill are laudable and correct, and are of importance to a large and respectable class of persons, who ought to be protected ; but that the subject is one of great difficulty, about which to legislate wisely, in order to do equal and exact justice to all parties, your Committee would ask the careful consideration of the provisions of this bill as amended by them, and, when that is done, they recommend its passage.

RYLAND,
Chairman.

Assembly bill No. 121, reported above, was placed on file.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment presented to Governor Bigler, yesterday, for his approval, An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers.

MEREDITH,
Chairman.

March 21, 1855.

Mr. Arrington, Chairman, made the following report :

Mr. Speaker :

Your Committee, to whom was referred Senate bill No. 42, have had the same under consideration, and report it back without amendment and recommend its passage.

ARRINGTON,
Chairman.

Senate bill No. 42, reported above, was ordered on file.

Mr. Adkison, of the select Committee, made the following report :

Mr. Speaker :

The select Committee to whom was referred Assembly bill No 214, for An Act granting to Dr. John R. Smith and his Associates the right to construct a Wire Suspension Bridge across the Feather River, above the junction of the Yuba River, beg leave to report a substitute for the same and recommend its passage.

D. O. ADKISON,
R. B. SHERRARD,
T. WELLS,
W. GELLER,
E. S. GAVER,
CHAS. S. CHASE,
J. E. CLAYTON,
C. G. LINCOLN.

On motion of Mr. Wells, the rules were suspended, and Assembly bill No. 214, was taken up, and substitute adopted.

On motion, special order for this day, Assembly bill No. 62 was taken up, House resolved itself into Committee of the Whole, Mr. Burke in the chair.

The Committee rose, reported, and were discharged.

Mr. Waite moved to reconsider the vote by which Assembly bill No. 258, An Act for the relief of the city of Sacramento was indefinitely postponed.

Mr. Arrington moved to lay the motion on the table.

On which, Messrs. Knox, Johnson, and Coombs, demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Brewton, Brown of Nevada, Burke, Cunningham of Sierra, Douglas, Ferrell, Flournoy, Gaylord, Gober, Graves, Johnston of San Francisco, McCurdy, Meredith, Murdock, Palmer, Phelps, Sherrard, Smith of Marin, Taylor, Watkins, Whitney, and Mr. Speaker—23.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Ashley, Adkison, Baker, Beatty, Bogardus, Brown of Contra

Costa, Cammet, Cory, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Doughty, Edwards, Farley, Foster, Ferguson, Gaver, Geller, Gragg, Hosmer, Johnson of El Dorado, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, Mellus, Moreland, Quinn, Rodgers, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Stewart, Talliaferro, Updegraff, Waite, and Wells—45.

So the motion was lost.

Mr. Amyx moved to indefinitely postpone the motion to postpone the motion to reconsider.

Messrs Watkins, Amyx, and Johnson of El Dorado, demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Adkison, Baker, Beatty, Brown of Contra Costa, Cammet, Cory, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Doughty, Ferrell, Flouinoy, Foster, Ferguson, Gaver, Geller, Graves, Gragg, Johnson of El Dorado, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, Mellus, Moreland, Quinn, Ryland, Stevenson, Singley, Smith of El Dorado, Stewart, Taliaferro, Updegraff, Watkins, and Wells—42.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Bogardus, Brewton, Brown of Nevada, Buffum, Burke, Cunningham of Sierra, Edwards, Farley, Gaylord, McCurdy, Meredith, Murdock, Palmer, Phelps, Rodgers, Stevens, Sherrard, Smith of Marin, Taylor, Vineyard, Waite, Whitney, and Mr. Speaker—24.

So the motion to reconsider was indefinitely postponed.

Mr. Buffum moved to concur in the committee amendments to section 1 of the bill, which reads as follows: *Provided, however*, That the provisions of this Act shall not be made to apply to wine manufactured from grapes grown within the limits of this State.

Messrs. Buffum, Ashley, and Baker, demanded the ayes and noes.

Mr. Taliaferro moved to adjourn.

Upon which motion, Messrs. Johnson of El Dorado, Buffum, and Ashley, demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Beatty, Bogardus, Brewton, Cunningham of Sierra, Farley, Foster, Gober, Hosmer, Johnson of El Dorado, Knox, Meredith, Moreland, Murdock, Phelps, Stevenson, Singley, Smith of Marin, Taliaferro, and Waite—20.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Ashley, Adkison, Baker, Brown of Contra Costa, Brown of Nevada, Buffum, Cory, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Douglas, Doughty, Ferrell, Flournoy, Ferguson, Gaver, Geller, Graves, Gragg, Johnston of San Francisco, Keys, Lincoln, McCutchan, McCurdy, Mellus, Oxley, Quinn, Rodgers, Ryland, Stevens, Sherrard, Stewart, Taylor, Updegraff, Vineyard, Watkins, Wells, Whitney, and Mr. Speaker—44.

So the House refused to adjourn.

The question then recurred upon Mr. Buffum's motion.
The ayes and noes were called, with the following result :

Those who voted in the affirmative were—

AYES

Messrs. Andrews, Amyx, Arrington, Baker, Bates, Beatty, Buffum, Cammet, Cory, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Douglas, Doughty, Edwards, Farley, Ferrell, Flournoy, Foster, Ferguson, Gaver, Geller, Graves, Gragg, Hosmer, Johnston of San Francisco, Jones, Kinney, Knox, McCutchan, McCurdy, Mellus, Meredith, Murdock, Palmer, Quinn, Rodgers, Sherrard, Stewart, Updegraff, Waite, and Mr. Speaker—44.

Those who voted in the affirmative were—

NOES.

Messrs. Ashley, Adkison, Brown of Nevada, Clayton, Gaylord, Gober, Johnson of El Dorado, Keys, Lincoln, Moreland, Phelps, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Taylor, Vineyard, Watkins, Wells, and Whitney—23.

So the amendment was concurred in.

Mr. Buffum moved to reconsider the vote just taken.

Mr. Johnston, of San Francisco, moved to lay the bill on the table.

Not agreed to.

Mr. Buffum moved to adjourn.

Messrs. Cunningham of El Dorado, Buffum, and Johnston of San Francisco, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Burke, Cammet, Chase, Curtis, Farley, Flournoy, Ferguson, Gaver, Gaylord, Geller, Murdock, Phelps, and Waite—14.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Adkison, Baker, Beatty, Bogardus, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Douglas, Doughty, Ferrell, Foster, Gober, Graves, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Lincoln, McConnell, McCurdy, Mellus, Meredith, Oxley, Quinn, Rodgers, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Wells, Whitney, and Mr. Speaker—54.

So the House refused to adjourn.

Mr. Foster moved a call of the House.

Not agreed to.

Mr. Jones moved to concur in the amendments proposed by the Committee on Vice and Immorality.

Mr. Stevenson offered the following proviso:

"*Provided*, That if a majority of the legal voters of the State shall vote 'No,' then in that case this Act shall be void and of no effect."

Adopted.

Mr. Smith, of Marin, moved to strike out sections 12 and 13.

Mr. Gober moved to strike out the enacting clause,

On which Messrs. Gober, Johnson of El Dorado, and Buffum, demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Adkison, Brown of Nevada, Burke, Chase, Clayton, Cook, Cunningham of Sierra, Doughty, Ferrell, Gaver, Geller, Gober, Graves, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Kinney, Lincoln, McCutchan, Mellus, Phelps, Rodgers, Ryland, Stevens, Taylor, Vineyard, Wells, and Whitney—28.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Baker, Beatty, Bogardus, Brewton, Brown of Contra Costa, Cory, Coombs, Covarrubias, Cunningham of El Dorado, Douglas, Edwards, Farley, Flournoy, Foster, Ferguson, Gragg, Jones, Keys, McCurdy, Meredith, Moreland, Murdock, Palmer, Quinn, Stevenson, Sherrard, Singley, Smith of El Dorado, Stewart, Taliaferro, Updegraff, Watkins, and Mr. Speaker—35.

So the House refused to strike out.

Mr. Phelps moved to amend the proviso to first section, by adding, "nor to the Liquor dealers of this State."

Not agreed to.

Mr. Stevenson moved the previous question.

Sustained.

Mr. Flournoy moved that the bill be ordered engrossed.

Upon which, Messrs Watkins, Gober, and Foster, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Baker, Beatty, Bogardus, Brewton, Brown of Contra Costa, Cory, Clayton, Coombs, Covarrubias, Douglas, Edwards, Farley, Flournoy, Foster, Gaver, Geller, Gragg, Johnston of San Francisco, Keys, Lincoln, Meredith, Moreland, Murdock, Palmer, Quinn, Stevenson, Sherrard, Singley, Smith of El Dorado, Stewart, Taliaferro, Updegraff, Watkins, and Mr. Speaker—36.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Adkison, Burke, Chase, Cook, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Doughty, Ferrell, Ferguson, Gober, Graves, Hosmer, Johnson of El Dorado, Jones, Kinney, McCutchan, McCurdy, Mellus, Phelps, Rodgers, Ryland, Stevens, Smith of Marin, Taylor, Vineyard, Wells, and Whitney—29.

So the bill was ordered engrossed.

On motion of Mr. Stevenson, the House adjourned at 10 minutes past 2 o'clock, P. M.

IN ASSEMBLY.

THURSDAY, March 22, 1855.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called, and the following members were absent:

Messrs. Covarrubias, Dana, Flournoy, and Stewart.

Journal of yesterday was read, amended and approved.

Mr. Taylor presented a petition for a Prohibitory Liquor Law.

Read and referred to the Committee on Vice and Immorality.

Mr. Vineyard presented a petition for a Prohibitory Liquor Law.

Read, and referred to the Committee on Vice and Immorality.

Assembly bill No. 293, An Act for the relief of Joseph Warzen and Bernhard Mayer.

Read second time, and referred to a Select Committee of four : Messrs. Vineyard, Geller, Stevenson, and Amyx.

Mr. Cook introduced a bill for An Act to authorize R. L. Mathews and others to construct a Wagon Road through the Coast Range of Mountains

Read first and second time, and referred to the Monterey and Stanislaus delegations.

Mr. Bogardus introduced a bill for An Act to divide the County of El Dorado.

Read first and second time, and referred to the El Dorado delegation.

Mr. Doughty introduced a bill for An Act to authorize Benjamin F. Forsyth to build a wharf in the County of Solano.

Read first and second time, and referred to the Committee on Commerce and Navigation.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker :

The Committee on the Judiciary report, that they have considered Assembly bill No. 41, entitled An Act to provide for the revision of the Statutes of this State, and would be most happy to recommend its passage ; but that in view of the present financial embarrassment of the State, they are constrained to recommend its indefinite postponement.

They have also considered Assembly bill No. 158, entitled An Act concerning the payment of Rent of Property seized in execution, and recommend its passage, without amendment.

They have also considered Assembly bill No. 243, entitled An Act amendatory of and supplemental to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850, and recommend the adoption of the several amendments thereto attached, and the passage of the bill.

They have also considered Assembly bill No. 291, entitled A bill to be entitled An Act concerning Orphans, and recommend the adoption of the several amendments thereto attached, and the passage of the bill.

They have also considered Assembly bill No. 295, entitled An Act amendatory of an Act to regulate Proceedings in Criminal Cases, and recommend the adoption and passage of the accompanying substitute, entitled An Act concerning the Punishment for Robbery and Grand Larceny.

All of which is respectfully submitted.

P. L. EDWARDS,
Chairman.

Assembly bill No. 41, An Act concerning the Punishment for Robbery and Grand Larceny.

Assembly bill Nos. 158, 243, 291, 295, reported above, were placed on file.

Mr. Rodgers made the following report .

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bills Nos. 85 and 175, have had the same under consideration, and beg leave to report a substitute, and recommend its passage.

Your Committee would state for the information of the House, that the only ma-

terial change proposed by the substitute now presented, is in taking the power of appointment of a Reporter from the Supreme Court, and conferring it on the Governor of the State, and in recommending this change, they have been guided simply by the opinions and decisions of the Supreme Bench. They do not hesitate to say, that the power of appointment of a Reporter of the decisions of the highest judicial tribunal of the State should be lodged in that tribunal, and they would so recommend, could they do it without a violation of the opinions of that Court, and the maxim "stare decisis."

The Supreme Court, in its decisions as to the jurisdiction of certain inferior Courts, narrowing that jurisdiction down so close as to leave a doubt whether their efficiency has not been impaired, has laid down a rule which must, with equal force, apply to it, and from the operation of which, it can not be exempted. That Court scarcely intended to except itself from the restriction laid down for the government of inferior Courts, more especially as it is declared, that their decision is founded on the same Constitution which created the Supreme as well as the subordinate Courts. The Constitution has conferred upon the Supreme Court a purely *appellate* jurisdiction.

Your Committee, adhering to a strict construction, herein following the example of the Supreme Court, will not recommend the bestowal of a power to appoint which the Supreme Court must, under its own ruling, declare a violation of the Constitution.

Looking then to the decisions referred to as expounded by the Supreme Court, the Committee would again recommend the passage of the substitute.

Respectfully submitted,

RODGERS,
Of Committee.

Assembly bills Nos. 85 and 175, with the substitute reported above, was placed on file.

Mr. Douglas, Chairman, made the following report :

Mr. Speaker :

The Committee of Ways and Means, to whom was referred Assembly bill No. 232, An Act entitled an Act to amend an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854, have had the same under consideration, report it back, and recommend its indefinite postponement. They also introduce a bill upon the same subject.

DOUGLAS,
Chairman.

Assembly bill No. 232, reported above—

Substitute was read first and second time, made the special order for Saturday next, 12 o'clock, M., and ordered printed.

Mr. Moreland, Chairman, made the following report :

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed, An Act supplementary to and amendatory of an Act entitled an Act to provide for the sale of the interest of the State of California in the property within the Water-Line Front of the City of San Francisco, as defined in and by the Act entitled an

Act to provide for the disposition of certain Property of the State of California, passed March 26, 1851, passed May 18, 1853.

Also, An Act to authorize the working of County Convicts in Sacramento County.

Also, An Act in relation to Estates of Joint Tenancy.

Also, An Act amending an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May 17, 1853.

Also, An Act to authorize the Board of Supervisors in and for the County of Sutter to levy a special tax, for the erection of Public Buildings in said county.

Also, An Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed, May 19, 1853

Also, An Act to regulate the Fees of Coroner in the County of San Francisco.

Also, An Act to fix the Compensation of the County Judge of Sierra County, and to repeal, in part, the first section of an Act entitled an Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, passed May 17, 1853.

Also, An Act to authorize the Board of Supervisors in and for the County of Marin to levy a Special Tax for the erection of Public Buildings in said County.

Also, An Act to incorporate the Town of Martinez

Also, An Act to provide for the Registry of the Names of legally qualified Voters in the City and County of San Francisco, prior to being permitted to vote at any General or Municipal Election.

• MORELAND,

Chairman.

Mr. Burke made the following report

Mr. Speaker:

The Committee on Indian Affairs, to whom was referred the bill for the relief of citizens in Klamath County who have been engaged in subduing Indian hostilities in said county, have had said bill under consideration, and beg leave to report the same back to the House, and recommend its passage with the accompanying amendments

• BURKE,

Chairman.

Assembly bill No 258, reported above, was placed on file.

Mr. Cammet made the following report :

Mr. Speaker :

The San Francisco Delegation, to whom was referred Assembly bill No. 223, An Act to authorize the construction of a Bridge across Mission Creek, report herewith a substitute for said bill, and recommend the passage of the substitute.

CAMMET,

Chairman.

Mr. Cammet moved to consider the bill reported above now.

Not agreed to.

The bill was placed on file

Mr. Johnston, of San Francisco, made the following report :

Mr. Speaker :

The Select Committee, composed of the San Francisco delegation, to whom was referred the bill for An Act to re-incorporate the City of San Francisco, beg leave to report the accompanying substitute, and earnestly recommend its passage.

JOHNSTON,
Chairman.

The bill above reported was placed on file.

Mr. Amyx, from Select Committee, made the following report : • •

Mr. Speaker :

A majority of the Select Committee, to whom was referred Assembly bill No. 290, concerning the boundary line between the Counties of Tuolumne and Stanislaus, report the same back to the House without amendment, and recommend its passage.

F. AMYX,
J. N. QUINN,
SAM'L McCURDY.

Assembly bill No. 290, reported above was placed on file.

Mr. Bogardus made the following report :

Mr. Speaker :

The El Dorado Delegation, to whom was referred Assembly bill No. 289, have had the same under consideration, and instruct me to report it back without amendment, and recommend its passage.

E. BOGARDUS,
Chairman.

Assembly bill No. 289, reported above, was placed on file.

Mr. Beatty made the following report :

Mr. Speaker :

The Committee to whom was referred Assembly bill No. 274, report the same back, and recommend its passage.

BEATTY,
Of Committee.

Assembly bill No. 274, reported above, was placed on file.

Mr. Vineyard made the following report :

Mr. Speaker.

The Sacramento Delegation have had under consideration Assembly bill No. 287, An Act concerning the County Judge of Sacramento County, and recommend its passage.

H. B. MEREDITH,
P. L. EDWARDS,
J. R. VINEYARD,
J. G. BREWTON.

Mr. Johnston, of San Francisco, made the following report :

Mr. Speaker :

The Select Committee of one, to whom was referred the petition of George W. Coffee, praying the issuance of a duplicate School Land Warrant, in lieu of a lost original, has had the same under consideration, and after vast meditation and profound research, begs leave to report a bill, and unanimously, sincerely, and conscientiously recommends its passage.

GEO. P. JOHNSTON,
Committee.

The bill above reported was read a first and second time, and placed on file.

The following message was received from the Governor .

EXECUTIVE DEPARTMENT,
Sacramento, March 20, 1855. }

To the Assembly of California :

I have this day approved an Act which originated in the Assembly, entitled An Act to create Boards of Supervisors in this State, and to define their duties and powers.

JOHN BIGLER

The following message was received from the Senate :

Mr. Speaker:

I am directed to inform the Assembly that the Senate have this day adopted "Proposed Amendments to the Constitution of the State of California," which are herewith transmitted.

WM. A. CORNWALL,
Secretary of Senate.

March 20, 1855.

Proposed amendments to the Constitution of the State of California, were read first and second time, and referred to the Judiciary Committee.

The following message was received from the Senate :

Mr. Speaker:

I am directed to inform the Assembly that the Senate have this day concurred in

the substitute to Senate bill No. 96, entitled An Act to provide J. G. Stebbins, W. W. Stow, and H. P. A. Smith, with duplicate Warrants, in lieu of certain Warrants lost or destroyed.

WM. A. CORNWALL,
Secretary Senate.

March 21, 1855.

Mr. Cunningham, of Sierra, offered the following resolution :

Resolved, That the Committee on Vice and Immorality, to whom have been referred sundry petitions praying the enactment of a Prohibitory Liquor Law, be instructed to report to this House the number of petitions now in their possession, the number of signatures to each, the aggregate number, and from what counties the same have been sent.

Adopted.

On motion of Mr. Phelps, a resolution in reference to building a State Prison at Mormon Island, was taken from the table and passed over.

Mr. Douglas gave notice, that he would introduce a bill in regard to the marking of Saw Logs, and other timber that may be carried away by high water.

Assembly bill No. 239, An Act to amend an Act entitled an Act defining the Time for commencing Civil Actions, passed April 22, 1853—

Read third time.

Mr. Amyx moved to recommit the bill, with instructions.

The motion to recommit was lost.

Mr. Kinney moved the previous question.

Sustained.

Messrs. Buffum, Watkins, and Amyx, demanded the ayes and noes on the passage of the bill, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Baker, Beatty, Bogardus, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Dana, Edwards, Farley, Ferrell, Flournoy, Foster, Ferguson, Gaver, Geller, Gober, Graves, Gragg, Hunt, Johnson of El Dorado, Jones, Kinney, McConnell, McCurdy, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Quinn, Rodgers, Ryland, Stevens, Stevenson, Sherrard, Watkins, Wells, and Mr. Speaker—44.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Curtis, Hosmer, Knox, McCutchan, Singley, Smith of El Dorado, Updegraff, and Vineyard—9.

So the bill passed.

Mr. Amyx gave notice that he would enter his protest against the passage of the bill.

Mr. Stevenson moved to reconsider the vote just taken.

Mr. Mellus moved to indefinitely postpone the motion.

Agreed to

Assembly bill No. 101, An Act supplementary to and amendatory of an Act entitled an Act to provide for the sale of the Interest of the State of California in the Property within the Water Line Front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain Property of the State of California, passed March 26, 1851, passed May 18, 1853.

Read third time, and passed.

Assembly bill No. 24, An Act to provide for the Registry of the Names of legally qualified Voters in the city and county of San Francisco, prior to being permitted to vote at any General or Municipal Election.

Read third time and passed.

Mr. Farley moved a call of the House

Not agreed to

Assembly bill No. 214, An Act granting to George M. Hanson, Elizabeth E. Noble, and John C. Fall, the right to construct a Wire Suspension or Lattice Bridge across Feather river, above the Yuba river.

Mr. Edwards moved a reconsideration of the vote by which the bill was considered engrossed.

Carried.

On motion of Mr. Flournoy, the bill was amended by striking out the words "or roads," whenever it occurred.

It was moved to consider the bill engrossed

Messrs. Vineyard, Moreland, and Amyx, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Ashley, Adkison, Baker, Bogardus, Brewton, Brown of Nevada, Bufum, Burke, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McConnell, McCurdy, Mellus, Moreland, Oxley, Palmer, Quinn, Stevens, Stevenson, Smith of Marin, Stewart, Taylor, Updegraff, Watkins, Wells, Whitney, and Mr. Speaker—52.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Bates, Cammet, Cunningham of El Dorado, Ferrell, Graves, Meredith, Phelps, Sherrard, Singley, Vineyard, and Waite—13.

So the bill was considered engrossed.

On motion, the bill was read third time and passed.

The following message was received from the Senate :

SENATE CHAMBER, March 22, 1855.

Mr. Speaker :

I am directed to inform the Assembly, that the Senate did, on yesterday, non-concur in Assembly amendment to second section of Senate bill No 76. An Act to provide for the Indigent Sick in the Counties of this State ; and that amendment to section eighth was concurred in.

C. DICKINSON,

Secretary of Senate.

The House refused to recede from its amendments, and appointed Messrs. Johnston of San Francisco, and Jones, a Committee of Conference on the part of the House.

Assembly bill No. 141, An Act to appoint a Secretary to Courts of Records, was taken from the file, and pending its consideration,

On motion of Mr. Johnson of El Dorado, the House adjourned at half past 2 o'clock, P. M.

IN ASSEMBLY.

FRIDAY, March 23, 1855.

House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called.

Messrs. Cammet and Taylor were absent, and Messrs. Ryland and Stevenson were each granted three days leave of absence.

Journal of yesterday was read, corrected, and approved.

Mr. Amyx, agreeable to notice, made a protest to the action of the House in the passage of Assembly bill No. 239, An Act amendatory of an Act to prescribe the time of commencing Civil Actions, passed April 22, 1850.

Objections being made to entering the protest—

Mr. Graves offered the following resolution :

Resolved, That Mr. Amyx, of Tuolumne, be allowed to withdraw his protest, and requested to set forth the state of facts in the action of this House on Assembly bill No. 239, to which he objects, and to abstain from all vague charges and offen-

sive expressions in such protest, and that the protest so corrected be entered on the Journal of the Assembly in its proper place.

Agreed to.

Mr. Johnston, of San Francisco, presented a petition for a new county, to be formed out of San Francisco County.

Read, and referred to the San Francisco delegation.

Mr. Farwell presented a petition on the same subject, which had the same reference.

The following message was received from the Senate :

SENATE CHAMBER, March 23, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate on yesterday removed W. A. Cornwall from the office of Secretary of the Senate, and that the Senate elected Charles Dickinson to fill the vacancy, also, that they elected E. O. F. Hastings as Assistant Secretary, to fill the vacancy occasioned by the election of Mr. Dickinson as Secretary

C. DICKINSON,
Secretary Senate.

On motion of Mr. Arrington, the Governor's Message was taken up, and read as follows :

EXECUTIVE DEPARTMENT, }
Sacramento, March 22, 1855. }

To the Assembly of California :

An Act entitled "An Act authorizing J. Burkhalter and such others as he may associate with him to build and construct a Wagon Road from Corbett's Inn to the Cow and Calf Ranch, in the County of Mariposa," is herewith returned to the House in which it originated, without approval.

The Act herewith returned, not only grants important privileges and powers, without providing necessary checks and limitations against abuse, but is believed to be in direct conflict with the spirit, if not the express letter of the Constitution.

Section 31st of article 4 of that instrument reads as follows :

"Corporations may be formed under general laws, but *shall not be created by special Act*, except for municipal purposes."

The Act under consideration, in exceedingly vague terms, authorizes "J. Burkhalter and *such others* as he may *associate* with him to build and construct a wagon road" between certain points in the county of Mariposa. Section 2 authorizes the said parties to collect toll, and, in the 3d section, this privilege is made exclusive for the term of eight years, without other restriction upon the exercise of the powers granted than that the "Board of Supervisors shall have supervisory control over said road."

These powers are believed to be such as appertain to corporations within the meaning of the Constitution. The Act, therefore, it is maintained, creates a cor-

poration, or *quasi*-corporation, in contravention of the spirit, if not the express letter of the 31st section of article 4 of the Constitution.

That the framers of the Constitution intended to prohibit the Legislature granting to associations or corporations, privileges not enjoyed by individuals, except by *general law*, is evident from the clear and unmistakable definition of the term "*Corporations*," as given in the 33d section of the same article, which reads as follows :

"The term '*Corporations*,' as used in this article, shall be construed to include all *associations*, and *joint stock companies*, having *any* of the *powers or privileges* of corporations not possessed by *individuals or partnerships*."

If the privileges granted in the Act under consideration are such as are possessed by "*individuals or partnerships*," then there exists no necessity for the passage of the Act herewith returned. If, however, they are not, in the absence of law, possessed by "*individuals or partnerships*," then is the Act clearly in conflict with the 31st section of article 4 of the Constitution.

It is evident to my mind that the framers of the Constitution, in thus restricting Legislative power relative to corporations, intended to guard against *special legislation*, for the benefit of private individuals or associations, such legislation being, by them, regarded as not only an unnecessary waste of time and encumbering the statute book with Acts of doubtful utility, but as being, in general, calculated to foster and enrich the few at the expense of the many.

Against such legislation the Constitution has wisely made provision, and, in my opinion, the Act herewith returned not only comes within the reason and spirit of the prohibition, but is in direct conflict with the expressed provisions of the 31st section, as defined in the 33d section of the 4th article of the Constitution.

The reason on which is founded this restriction on Legislative power, is believed to be correct, and necessary to prevent the accumulation on the statute book of a mass of special Acts, granting franchises and privileges which could and should be provided for by general law.

But, the Act herewith returned is defective in other important respects. The parties named in the Act are authorized to build a wagon road from certain points, with the *exclusive* right to demand and collect toll for eight years, but there is no provision in the Act preventing the said parties from laying out and constructing the road, and appropriating to their own use, for this purpose, private property, without the consent of the owners.

In the general law on the subject, these restrictive provisions are inserted, and are deemed necessary to protect private individuals from oppression.

The Act should either declare the route of the road authorized to be constructed or provide for its selection by competent and impartial persons, and not leave it to the unlimited discretion of a single individual, and "those whom he may associate with him."

Although the parties designated are impliedly prohibited from collecting or charging a greater amount of toll than shall have been allowed by the Board of Supervisors of the county, there is no penalty provided for a violation of this clause—not even a forfeiture of the franchise granted.

The Act declares that the parties named shall keep the road in good repair, but affixes no penalty to enforce the observance of this clause, nor does it even require that any bond shall be given for the observance of the rights of others interested, and to prevent the abuse of the powers entrusted.

These objections, it is proper to state, are nearly if not quite all obviated by the provisions of the general law on the subject, passed April 22, 1850, and amended April 22, 1853; and the powers and franchises therein granted, are all, in accordance with the thirty-first section of article four of the Constitution, guarded from abuse by wholesome and necessary restrictions.

In this connection, it is deemed proper to remark that these enterprises, calculated as they are to facilitate travel and safe communication throughout the several counties, and opening the interior of the State to the industry of our citizens, are regarded with peculiar favor by me, and all proper, just and Constitutional laws for their protection and encouragement, will ever receive my most cordial endorsement.

But, entertaining the opinion that there is wisdom and sound reason in the restriction imposed on the Legislature in the premises, and that the same ends can be accomplished by the parties named, under a law of a general nature, as required by the Constitution, I deem it my duty to return the Act for your further consideration, at the same time indulging the hope that special legislation, where the same objects can be accomplished by wholesome general laws, will in future be avoided as improper and unnecessary.

It is also deemed proper here to remark in explanation, that although several special Acts heretofore passed have conferred privileges on parties named, they were not so objectionable as the one under consideration, for the reason that the persons named were not only restricted and limited in the exercise of the powers granted, by stringent provisions in the body of the Acts, but each of the Acts expressly provided that the grantees should "be governed by and conform to the existing laws concerning corporations."

By an examination of the Act "to authorize Wm. Moreland, Thomas Palmer & Co, to collect tolls on a bridge across Trinity River, in Trinity County," approved May 1, 1852, it will be seen that the parties named are thereby required "in all respects to conform to the general laws of the State for the regulation of toll-bridges and ferries," and that "penalties and forfeitures" are imposed for a violation of those laws.

An Act "to authorize Dennis B. Mooney to collect tolls on a ferry, etc., approved May 1, 1851, contains the same provision, as also an Act "to provide for the construction of a canal from Tulare lake to the waters of the San Joaquin," approved May 12, 1853.

The peculiar wants of California heretofore, may have demanded novel, if not extraordinary legislation, and experience and calm reflection have already pointed out errors to be avoided in future. Indeed, if such errors had not, under the circumstances, been committed, it would have been matter of greater wonder than that at times we may have departed from correct principles and strict constitutional construction.

In framing laws, therefore, to meet the wants and advance the prosperity of our people, it is clear that we cannot, at all times, be guided entirely by precedents which we ourselves, or our immediate predecessors, may have, in an unguarded moment, established while the State was in her infancy, and before any well settled policy had been clearly marked out.

It is our duty, therefore, at this time, to examine well every Act of doubtful propriety or constitutionality, and in no case depart from the express provisions or clear intent of that Constitution, which should be regarded as the charter of our rights and palladium of our liberties.

The several Acts on the statute book concerning corporations, should be so amended as to transfer the civil powers heretofore exercised by the Courts of Sessions to the Boards of Supervisors, to be chosen a few days hence in the several counties, so as to enable all persons desirous of constructing works of internal improvement, to commence and prosecute the same without delay.

These amendments, it is proper here to state, are necessary to harmonize the provisions of the several Acts relating to corporations with the Act approved on the 20th inst, in relation to Supervisors, in which latter Act all the civil

powers heretofore exercised by the Courts of Sessions are transferred to the Boards of Supervisors

These Boards of Supervisors, it is fair to presume, will be composed of persons well informed as to the wants and wishes of the people of their respective counties, and can best determine all questions which may be agitated in relation to the location of roads and the erection of bridges.

I would further recommend that in certain cases, such as constructing county roads, building bridges, and other works of minor importance, the number necessary to form an incorporated company under the law, be reduced from five to three; also, that the words, "Court of Sessions," wherever they appear in the Act, be stricken out, and Boards of Supervisors inserted, in conformity with the late decision of the Supreme Court of this State.

Believing that the position assumed by me in the premises is correct in principle, and not only warranted but required by the express letter of the Constitution of the State, you will permit me to remark, in returning the Act for your further consideration, that I sincerely regret that I am compelled, in this instance, to withhold my approval from an Act which has received the sanction of the representatives of the people

JOHN BIGLER.

Mr. Watkins moved to lay the bill accompanying the Governor's Message on the table.

Not agreed to.

The question being upon the passage of the bill, notwithstanding the veto of the Governor, the ayes and noes were called, with the following result.

Those who voted in the affirmative were—

AYES.

Messrs. Ashley, Adkison, Baker, Bogardus, Brown of Contra Costa, Brown of Nevada, Cunningham of Sierra, Curtis, Dana, Doughty, Edwards, Farley, Farwell, Flournoy, Foster, Gaylord, Geller, Gober, Johnson of El Dorado, Johnston of San Francisco, Lincoln, McConnell, Meredith, Palmer, Rodgers, Stevenson, Sherrard, Taylor, Watkins, Whitney, Mr. Speaker—31.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Arrington, Beatty, Brewton, Buffum, Cory, Clayton, Covarrubias, Cunningham of El Dorado, Ferrell, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Kinney, McCutchan, McCurdy, Mellus, Moreland, Murdock, Phelps, Quinn, Stevens, Singley, Smith of El Dorado, Stewart, Taliaferro, Vineyard, Waite, and Wells—33.

So the Governor's veto was sustained.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, March 22, 1855. }

To the Assembly of California :

An Act which originated in the Assembly, entitled "An Act granting Edward Dewitt and others the right to construct a Toll Bridge across the Klamath River," is herewith returned without approval.

The Act is *special in character*, and grants to the party named and such others as he may associate with him, privileges which, in the absence of special law, are not possessed by "individuals or partnerships," and is, therefore, regarded as in conflict with the spirit, if not the express letter of the Constitution.

The Act in relation to Supervisors, which was approved on the 20th instant, transfers to the Boards of Supervisors, in the several counties of the State, all the *civil* powers heretofore exercised by the Courts of Sessions, under the several Acts in the statute book, relating to corporations.

The party named can, therefore, obtain from the Board of Supervisors, as soon as chosen for the county of Klamath, the privileges conferred by this Act, subject, however, to the wholesome restrictions contained in the general law concerning corporations.

The Boards of Supervisors, it is fair to presume, will be composed of men well informed as to the wants and wishes of the people and eminently qualified to decide correctly upon every question which may be presented for their consideration, under the general corporation law, relating to roads and bridges.

Having assigned my reasons, at length, for refusing assent to an Act granting like privileges in relation to a wagon road in Mariposa county, it is deemed unnecessary, in this connection, to do more than invite your attention to the views therein expressed, in relation to the constitutionality and expediency of special Acts similar to the one herewith returned.

JOHN BIGLER.

The question being upon the passage of the bill, notwithstanding the veto of the Governor, resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs Ashley, Adison, Baker, Beatty, Brewton, Brown of Contra Costa, Brown of Nevada, Coombs, Cunningham of Sierra, Curtis, Dana, Douglas, Edwards, Farley, Flournoy, Foster, Ferguson, Geller, Gober, Johnson of El Dorado, Johnston of San Francisco, Keys, Lincoln, McConnell, Mellus, Meredith, Murdock, Palmer, Rodgers, Stevenson, Sherrard, Taylor, Updegraff, Watkins, Whitney, and Mr. Speaker—36.

Those who voted in the negative were—

NOES.

Messrs Andrews, Amyx, Arrington, Bates, Buffum, Cammet, Chase, Cook, Covarrubias, Cunningham of El Dorado, Farwell, Ferrell, Gaylord, Graves, Gragg, Hunt, Jones, Kinney, Knox, McCutchan, McCurdy, Phelps, Quinn, Stevens, Singley, Smith of El Dorado, Smith of Marin, Stewart of Taliaferro, Vineyard, Waite, and Wells—33.

So the veto of the Governor was sustained.

The following communication was received from the Secretary of State :

SACRAMENTO CITY, March 22, 1855.

To the Hon. the Legislature of the State of California :

The ninth section of An Act concerning the office of Secretary of State, passed May 15, 1854, makes it my duty to report annually to the Legislature the condition of the State Library, and recommend such improvements and additions as may be deemed necessary.

The "Library Fund" was created by Act of May 1, 1852, since which time to the 8th day of March, 1855, there has been received six thousand three hundred and twenty-four dollars and twenty cents. During that time, five thousand five hundred and forty-nine dollars and twenty cents has been expended for the use of the Library. No direct appropriation has as yet ever been made by the Legislature for the State Library ; all the moneys received for that use having been collected by fees in this office.

Accompanying this report, I transmit to you, for inspection, printed catalogues of the books, papers, and documents now in the Library.

By reference thereto, it will be seen, that on the first day of January last, the Library contained two thousand two hundred and thirty-four volumes, comprising eight hundred and sixty-seven distinct works, independent of the Laws and other documents published by this State. Although a great deal has been done towards building up a Library from small and uncertain revenues, yet it will be seen that it is still very deficient in books of paramount importance. Many rare and valuable works have been obtained, and all the works purchased by the Directors have evinced good judgment ; but with such limited means, it has been impossible to make the collection as extensive as could be desired.

The laws at present in existence, by which the Library Fund is kept up, are as complete as it is possible to make them, in connection with the subjects to which they refer, with one exception. Whenever any person is commissioned from this office, and fails or refuses to pay the fee required by law within a reasonable time, it should be made to operate as a dismissal from the office to which he has been elected or appointed, or else no commission should be issued, and no person be allowed to act as an officer, until the fee has been paid. Much difficulty has been found in collecting these fees, especially from persons living beyond the boundaries of the State.

There are two new sources from which a considerable sum of money might be realized for the Library Fund. One is, the issuing of patents by the Governor for lands sold by the State. A charge of five or ten dollars for every town lot or quarter section of land sold would not be too much, when the parchment, printing, and filling up is done by the State. It would, in fact, be much less than is ordinarily paid in individual cases, and no valid objections could be urged against it, as all the proceeds would go to build up a library for the use of the people of the State. The other source of revenue would be, to authorize the Secretary of State to grant licenses to pedlars for the State at large, at certain established rates. I have been induced to make this suggestion, from the number of applications made at this office for such licenses, and from the fact, that in several of the other States of the Union, such authority is conferred on some of the State officers.

These two sources of revenue, if made available, would probably double the amount at present paid into the Library Fund, and, in the course of time, would build up a good Library. But, to meet present wants, I would recommend a direct

appropriation of ten thousand dollars, to be expended under the direction of the Librarian in the purchase of such books as are most needed at this time.

The rapid increase of the State Library, and its growing importance, compels me to recommend that it be separated from this department. It is becoming too unwieldy, and requires too much room to remain longer as it is. New cases for the books, and new furniture of every description, is very much needed. The number of books received from various quarters, the exchanges necessary to be attended to, and the work that ought to be done to keep the books and papers in proper order, require unremitting attention. To separate the Library from this office, and place it, together with the superintendency of Public Buildings, in the hands of one person, would be a great relief to this Department. Such a measure would remove nearly one-third of the duties devolving on the Secretary of State, and enable him to pay greater attention to those subjects more legitimately belonging to his office.

Some change ought to be made in the organization of the Board of Library Directors. At present, this Board is composed of the Governor, Lieut. Governor, Speaker of the Assembly, Controller, and Treasurer of State, and is unnecessarily cumbrous and complicated. The number ought to be reduced, and the Board ought to consist of officers whose duties require them to reside at the Seat of Government. The State Librarian being one, as it is fair to presume that he knows more about the affairs of the Library than any other person. The Librarian ought to be required to make all purchases of Books, under the direction of a majority of the Board. Under the present system, it is very difficult to avoid many expenses for which there is really no necessity. The Librarian now has no voice in the purchases, and the duties of the members of the Board naturally calling their attention to other matters, confusion and misunderstanding must necessarily arise. Thus, in one of the heaviest purchases of books made in the eastern cities, the boxes were sent by Express across the Isthmus of Panama, at an expense of more than a thousand dollars, when they might have been shipped around Cape Horn for about one-tenth of that sum.

I cannot close this communication without calling your attention to a gentleman to whom the State is more indebted for the present flourishing condition of her Library than to any other; I allude to Dr. W. H. R. Wood, my present efficient deputy. Every measure heretofore adopted for the improvement of the State Library, originated with him, and he has labored earnestly, zealously, and disinterestedly, to build up such an establishment as should be worthy of our State. All who have had anything to do with libraries, can testify to the carefulness with which he has always watched over it. No man could have done more under the circumstances than he has, and to him is due the honor of having built up the State Library.

J. W. DENVER,

Secretary of State,
And *ex-officio* State Librarian.

Sacramento City, March 22, 1855.

Read, and referred to the select Committee on Libraries.

Assembly bill No. 141, An Act to appoint a Secretary to Courts of Record was amended.

Mr. Rodgers moved to lay the bill on the table.

Not agreed to.

On motion, the bill was ordered to the foot of the file.

Senate bill No. 69, An Act to authorize Caruthers & Stuart to use the waters of Stanislaus river for manufacturing purposes.

Read third time, and passed

Assembly bill No. 72, An Act to refund certain Moneys paid by the citizens of Minnesota and St. Louis in the County of Sierra.

Indefinitely postponed.

Mr. Palmer made the following report .

Mr. Speaker :

The Committee on Engrossment find correctly engrossed An Act granting to George M. Hanson, Elizabeth E. Nabb, and John C. Fall, the right to construct a Wire Suspension or Lattice Bridge across Feather river, above the Yuba river.

J. W. D. PALMER,
Of Committee.

Assembly bill No. 99, An Act authorizing Margaret S. Murray to sell and convey certain Property.

Indefinitely postponed.

Assembly bill No. 52, An Act to define the method of acquiring rights to divert water for Mining, or other purposes, in the Mineral districts of this State.

Considered and amended

Mr Stevenson moved to indefinitely postpone the bill.

Upon which, Messrs Wells, Chase and Stevenson, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs Andrews, Amyx, Beatty, Bogardus, Brewton, Brown of Nevada, Burke, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Farley, Ferrell, Foster, Ferguson, Gaylord, Graves, Johnston of San Francisco, Jones, McCutchan, McConnell, Mellus, Meredith, Phelps, Quinn, Stevenson, Sherrard, Singley, Smith of El Dorado, Stewart, Taliaferro, and Watkins—31.

Those who voted in the negative were—

NOES.

Messrs. Adkison, Baker, Cory, Chase, Clayton, Cook, Curtis, Dana, Farwell, Flournoy, Gaver, Geller, Gober, Hunt, Kinney, Lincoln, McCurdy, Moreland, Palmer, Stevens, Updegraff, and Waite—22.

Mr. Stevenson moved to reconsider the vote just taken.

Mr. Farley moved to indefinitely postpone.

Agreed to

Assembly bill No. 43, An Act concerning Juries and Jury Trials in this State—on motion, was indefinitely postponed.

Assembly bill No. 78, An Act for the relief of Peter Lothian, Sheriff of Humboldt County.

On motion, of Mr. Murdock, the bill was indefinitely postponed.

Assembly bill No. 100, An Act to create a Commissioner or Agent to proceed to Washington City, and place before the Secretary of War the accounts and vouchers connected with the Indian War Debt of this State.

On motion of Mr. Douglass, the bill was indefinitely postponed.

Assembly bill No. 112, An Act to encourage the Incorporation of Saving Institutions and Associations for mutual benefit.

Mr Douglass moved to indefinitely postpone the bill.

Mr. Johnston, of San Francisco, moved that the bill be placed at the foot of the file.

Agreed to.

Assembly bill No. 183, An Act for the relief of Edward Wheeler.

Mr. Stevenson moved that the House go into Committee of the Whole.

Not agreed to.

Mr Amyx moved to strike out the enacting clause.

Whereupon, Messrs. Johnson, Hosmer and Rodgers, demanded the ayes and noes, with the following result .

Those who voted in the affirmative were—

AYES.

Messrs Andrews, Amyx, Ashley, Beatty, Bogardus, Cory, Chase, Covarrubias, Cunningham of El Dorado, Edwards, Ferrell, Foster, Ferguson, Gaylord, Graves, Huut, Johnson of El Dorado, Jones, Kinney, McCutchan, Mellus, Meredith, Moreland, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Tahaferro, and Watkins—30.

Those who voted in the affirmative were—

NOES.

Messrs. Arrington, Baker, Brewton, Brown of Nevada, Clayton, Cook, Cunningham of Sierra, Curtis, Farley, Farwell, Flournoy, Gaver, Gober, Hosmer, Johnston of San Francisco, Keys, Knox, Lincoln, McCurdy, Murdock, Palmer, Phelps, Sherrard, Smith of Marin, Stewart, Waite, Wells, Whitney, and Mr. Speaker—29.

So the motion was carried.

On motion of Mr. Stevenson, the House adjourned at 45 minutes past 2 o'clock, P. M.

IN ASSEMBLY.

SATURDAY, March 24, 1855.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and the following members were absent :

Messrs. Andrews, Bates, Buffum, Cammet, Coombs, Gragg, Knox, Rodgers, and Taylor.

On motion, Messrs. Bates and Gragg were granted leave of absence for one day, and Messrs. Andrews, Buffum, Cammet, Coombs, Rodgers, and Taylor, two days.

Journal of yesterday was read and approved.

Mr. Cunningham, of Sierra, presented a petition from citizens of Sierra county, praying for a division of the county.

Read, and referred to Committee on Counties and County Boundaries.

Mr. Farwell presented a petition from the Monumental Fire Engine Company, praying for an Act to increase their number of certificate members to one hundred.

Read, and referred to San Francisco delegation

Mr. Burke presented a petition from citizens of Mariposa, remonstrating against the division of the County.

Mr. Amyx presented a petition from citizens of Tuolumne county, praying for a charter for a Bridge across the Tuolumne river

Read, and referred to Committee on Internal Improvements.

Mr. Amyx presented a petition from the Sonora Grays, praying for an Act to encourage Volunteer Military Companies

Read, and referred to Committee on Military Affairs.

Mr. Cook presented a petition from Charles I. Jones and Riley Childers, remonstrating against the granting of a charter for a bridge across the Tuolumne river.

Read, and referred to Committee on Internal Improvements.

Mr. Wells introduced a bill for an Act to legalize Proceedings in the different Courts of this State, which have been established by Act of the Legislature with jurisdiction in cases of more than two hundred dollars.

Read first and second time, and referred to the Judiciary Committee.

Mr. Curtis introduced a bill for an Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State.

Read first and second time, referred to Committee on Roads and Highways, and ordered printed.

Mr. Wells introduced a bill for an Act for the relief of George H. Crosset.

Read first and second time, and referred to Committee on Accounts and Expenditures.

Mr. Adkison introduced a bill for an Act to separate the office of Collector of Taxes from the office of Sheriff in the County of Yuba.

Read first and second time, and referred to Yuba delegation.

Mr. Hosmer introduced a bill for an Act to quiet Titles.

Read first and second time, and laid over.

Mr. Johnston, of San Francisco, introduced a bill for An Act to regulate the Fire Department of the City of San Francisco.

Read first and second time, and referred to the San Francisco delegation.

Mr. Watkins introduced a bill for An Act supplemental to and amendatory of An Act entitled an Act to create a Board of Supervisors for the County of Alameda, approved March 20, 1855.

Read first and second time, and referred to Alameda and Santa Clara delegations.

Mr. Curris introduced a bill for An Act to amend an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State.

Read first and second time, and referred to Judiciary Committee.

Mr. Douglass introduced a bill for An Act concerning Logs and Timber floating upon the Streams of this State.

Read first and second time, and referred to Judiciary Committee.

Mr. Waite introduced a bill for An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases, passed April 29, 1851.

Read first and second time, and referred to Judiciary Committee.

Mr. Johnston, of San Francisco, introduced a bill for An Act in relation to Escheats.

Read first and second time, and referred to San Francisco delegation.

Mr. Clayton introduced a bill for An Act for the relief of Mrs. Annie V. R. Wells, widow of Judge Alexander Wells.

Read first and second time, and referred to Judiciary Committee.

Mr. Johnston, of San Francisco, introduced a bill for An Act supplemental to an Act entitled an Act to provide for the appointment of a Gauger for the port of San Francisco, approved May 3, 1852.

Read first and second time, and referred to San Francisco delegation.

Mr. Brown, of Contra Costa, introduced a bill.

Read first and second time, considered engrossed, read third time, and passed.

Mr. Chase introduced a bill for An Act concerning County Officers.

Read first and second time, and referred to the Yuba delegation.

Mr. Jones introduced a bill for An Act to provide for the payment of Claims against the State approved by the Legislature.

Read first and second time, and referred to the Judiciary Committee.

Mr. Ashley introduced a bill for An Act to provide for the extinguishment of the Indebtedness, present and accruing, of the County of Monterey.

Read first and second time, and referred to San Luis Obispo, Monterey, and Alameda delegations.

Mr. Moreland gave notice, that he would, on Monday next, introduce a bill to regulate the Fees of Public Administrators.

Mr. Updegraff gave notice, that he would, on Monday next, or some future day, introduce a bill to re-locate the Seat of Justice of Yolo County by a vote of the qualified Voters of said county.

Mr. McCurdy gave notice that he would, on Monday next, introduce a bill amendatory to the Practice Act before Justices' Courts.

Mr. Edwards gave notice, that on Monday next, or at an early day thereafter, he would introduce a bill for an An Act concerning Jurors.

Mr. Ferrell gave notice that he would, on Monday, introduce a bill supplementary to an Act entitled an Act to create a Board of Supervisors for the County of San Diego, and to define their duties.

Also, a bill to authorize the Board of Trustees of the City of San Diego to make such orders and regulations as may be necessary for the government of Indians in said city, and to keep the streets free from obstructions and rubbish.

Also, a bill to authorize the legal voters residing within the limits of the public lands of the city of San Diego, to donate a certain portion of such public lands to the Southern Pacific, Atlantic, and Gila Railroad Company, to aid in the construction of said road.

Mr. Amyx gave notice that he would, on Monday next, introduce a bill for the relief of P. L. Solomon, Sheriff of Tuolumne county.

Mr. Dana made the following report :

Mr. Speaker :

The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 285, relative to Port Wardens in San Francisco, Sacramento, and other ports in California, beg leave to report in favor of its passage, without amendment.

DANA,

Of Committee.

Mr. Waite made the following report, which was ordered printed :

Mr. Speaker :

The Committee on Claims having given due consideration to the petition of the city of San Jose for relief, have, in accordance with the expressed desire of the delegate from that city, instructed me to recommend that this claim take the track of its "illustrious predecessor;" provided, the said delegate gives his solemn assurance that the Committee shall be secure from the terrors of a San Jose mandamus.

The Committee have also examined the claim of William McNees, and submit the following facts in relation thereto : The petitioner left Sacramento in July, 1850, with forty-six pack animals, loaded with various kinds of provisions, to meet the emigration on the other side of the Sierra Nevada. While in Carson Valley, he met with so much destitution and suffering, that he resolved to turn his adventure from one of profit to one of philanthropy, and accordingly dispensed nearly all his provisions in charity ; selling, however, enough to cover first cost, and something more. Had he remained in Sacramento, such was the destitution in that city, he might have had a fair chance of not even saving first cost. His expedition was designed for gain, to realize large profits, but circumstances thwarted him in the realization of his hopes, as has been the case with many other adventures in California. As it was, it appears to the Committee that the petitioner has lost nothing but his time for two or three months, which hundreds have done in less laudable employments, and the loss of a little mule flesh.

The claim seems to be laid for the imaginary sum he might have made had he remained at home. To allow this claim on such grounds, would produce a glow of hope in the breast of the Gold Lake and Gold Bluff expeditionists, as well as the recent stragglers from Kern river.

This claim against the State was had under consideration by the Senate Committee on Claims of last session, and its rejection recommended. We see no reasons for dissenting from that recommendation.

The petition of Dr. Ormsby, for remuneration for similar expenditures on the other side of the mountains, for similar reasons, is recommended to follow its comrades, and share the same fate.

The Committee have also considered Senate bill No. 116, entitled An Act for the relief of B. Wing and W. H. Williamson, who served as Sergeants-at-Arms for the recent State Prison and Hospital Committees. The Committee are of the opinion, that to save the passage of too many bills, it would be good policy to wait until the accounts of the Clerks, Pages, and Porters of the Committee are present-

ed, and embody the whole in one bill: but being desirous of closing thdir docket, they recommend the bill to the tender mercies of the House.

WAITE,
Chairman.

Mr. Graves made the following report :

Mr. Speaker :

The Committee on Counties and County Boundaries, to whom was referred Assembly bill No 220, An Act to create Pajaro county. together with sundry petitions in favor of and against the passage of the bill, have had the same under consideration, and a majority of the Committee have directed me to report the same back to the House, and recommend its passage without amendment.

GRAVES,
Of Committee.

Mr. Geller made the following minority report :

Mr. Speaker :

The minority of the Committee on Counties and County Boundaries, to whom was referred the bill to create the new County of Pajaro, have had the same under consideration, and beg leave to submit the following :

Your Committee are poorly prepared to submit a report, from the fact, that they are ignorant of the boundaries, circumstances, and facts in the case before them, other than by representation. But from the small amount of light offered by petitions and remonstrances, the minority of the committee conclude, that the project was gotten up for the benefit of a portion of the citizens of Monterey county, who are now inconvenienced by their distance from the County Seat, and who expect, by the plan proposed, to bring the County Seat to the town of San Juan, and at the same time to reap the benefit of County officers. But to carry out their plans, it is found necessary to take a portion of Santa Clara county, to which those residing in that portion of the county to be cut off are strongly opposed, and against which they almost unanimously remonstrate. This fact alone is sufficient to induce the minority of your Committee to report against the formation of said new county. If the bill now recommended by a majority of the Committee should pass, the new county must spring into existence loaded down with an enormous debt, having but a sparse population, and comparatively little taxable property to pay that debt. This would place a burden upon citizens of the new county extremely oppressive, and from which a large portion of those directly interested earnestly pray to be delivered. To protect the rights, and give evenhanded justice to all parties, is believed to be the indispensable duty of this and all legislative bodies, and this cannot be done by the passage of the bill now in question; for, to say the least, a large and respectable minority would be greatly injured by it, by compelling those residing in the north part of the proposed new county to travel in an opposite direction from all their trade and marketing to do their county business. A minority of your Committee, therefore, feel in duty bound to report adversely to the majority, and recommend the rejection of the bill.

W. GELLER,
GAYLORD.

Mr. Farley made the following report .

Mr. Speaker :

The Committee on Counties and County Boundaries, to whom was referred Senate bill No 99, having had said bill under consideration, report the same back to the Assembly, and recommend its passage

Also, Assembly bill No 127, An Act amending an Act entitled an Act for dividing the State into Counties, and establishing the Seats of Justice therein The Committee have examined the present law upon this question, and consider that the passage of this bill would be entirely unnecessary, and therefore recommend its indefinite postponement.

FARLEY,
Chairman.

Mr. Palmer made the following minority report :

Mr. Speaker :

The delegations from El Dorado and Amador counties, having had under consideration Assembly bill No. 303, An Act to divide the County of El Dorado, report a substitute, altering the title, and making verbal amendments to the original bill. They recommend the passage of the substitute.

PALMER,
Of Committee.

Mr. Baker made the following report .

Mr. Speaker:

The special Committee, to whom was referred Assembly bill No 265, have had the same under consideration, and instruct me to report the same back, with an amendment, and recommend its passage.

They also have considered Assembly bill No. 257, referred to them, and report the same back to the House, recommending its passage.

THOS. BAKER,
Chairman.

Mr. Cooke made the following minority report .

Mr. Speaker:

The undersigned, a minority of the select Committee to whom was referred Assembly bill No. 290, to define the Boundary Line between Stanislaus and Tuolumne counties, have had the same under consideration, and beg leave to report *adversely* to the passage of said bill, for the following reasons :

First, The proposed line will be unjust to Stanislaus county ; dismembering the weak for the benefit of the strong, by taking from her about one-fourth of her entire voting population ; which is shown by the official vote now on file in the office of the Secretary of State, to be only 380, while the vote of the County of Tuolumne in September last, as shown by the same official papers, was 4,357. Should the Legislature, in its discretion, see proper to pass the bill, notwithstanding the remonstrance of a large majority of the citizens of the place most interested, and should there be no greater accession to the population this year than the last, the vote of the two counties at the next annual election, would stand—Tuolumne, 4,497 ; Sta-

nislaus, 220. The debt of Stanislaus county entailed by Tuolumne, exclusive of interest, is \$16,500. Seventy-nine dollars and fifty-four cents would have to be paid by each and every voter remaining in Stanislaus county '.

Second, The line proposed by the bill would take from the County of Stanislaus almost the entire valley of Dry Creek, which is the most valuable agricultural district in the upper end of the county, with all of its inhabitants, and wholly contrary to their wishes.

Third, Nearly all the mining district lying below the Big Canon of the Tuolumne river is in Stanislaus county, and contains most of the inhabitants in the disputed district, together with the thriving village of French Bar, the recent rapid growth of which seems to be the principal obstacle to the proper settlement of this boundary question.

And, last but not least, we do most earnestly protest against the establishment of this fourth boundary line, (see statutes of 1854, pp. 191 and 40, and the report of the Surveyors made by the Surveyors of Tuolumne and Stanislaus counties,) without consulting the wishes of the American people in said disputed district. Out of 160 voters, 152 are earnestly opposed to the proposed line, and urge that the line should strike Tuolumne river at the Big Canon, one mile above French Bar. The district in dispute is separated from the County Seat of Tuolumne by a distance of some thirty miles, over a rough and mountainous district, while it is but little more than twenty miles, over a beautiful road to the County Seat of Stanislaus, and naturally belongs to the latter county. When you take into consideration the facts above stated, with the known wishes of the American residents, together with the injustice of taking one fourth of the population of Stanislaus county without proposing to take back one dollar of the debt fastened upon it by Tuolumne county, we feel confident that the Legislature will not do such manifest injustice as to pass this bill.

We therefore beg leave to present a substitute for said bill and respectfully urge its adoption.

C. M. COOKE,
E. BURKE.

Assembly bill No. 290, above referred to, An Act to establish a permanent Boundary Line between the Counties of Stanislaus and Tuolumne.

Substitute read first and second time and placed on file.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, March 24, 1855. }

To the Senate and Assembly of California :

I have the honor herewith to transmit a copy of a communication received by me, on yesterday, from the Hon. S. A. McMeans, State Treasurer, in relation to certain provisions of the Funding Act of 1855. The suggestions made are worthy of careful examination, and, it is hoped, will receive your immediate and favorable consideration.

JOHN BIGLER.

The following communication was received by his Excellency, the Governor, from the State Treasurer, and communicated to the Assembly :

STATE TREASURER'S OFFICE,
Sacramento, March 23, 1855. }

To his Excellency, Gov. John Bigler:

SIR :—

It becomes my duty to call your attention to a provision contained in the Funding Act of 1855, which has recently received the approval of your Excellency, as it conflicts with one of the provisions of the Act authorizing the sale of water lot property of the State in San Francisco, passed May 18, 1853.

The fifth section of the Funding Act, to which reference has been made, reads as follows:

“And the Treasurer shall liquidate none of the aforesaid indebtedness of the State (Controller's Warrants) but in the manner herein provided, unless otherwise directed by future enactments.”

While the seventh section of an Act to provide for the sale of the interest of the State of California in the property within the water line front of the City of San Francisco, etc., which is also referred to above, contains the following provisions:

“The terms of such sale shall be as follows:—Cash, or the civil bonds of the State of California, or the civil warrants of the Controller of State on the Treasury.”

As I regard the sales made under the the Water Lot Act of 1853, as embracing all the essential features of a contract entered into between the State and parties purchasing, I doubt the expediency of attempting to enforce that provision of the Funding Act to which your attention has been invited.

I desire that this matter may be so disposed of as to secure definite instructions from the present Legislature at the earliest practicable moment.

I have the honor to be,

Very respectfully,

Your obedient servant,

S. A. McMEANS.

State Treasurer.

Read and referred to a select Committee of five—Messrs. Taliaferro, Edwards, Watkins, Douglas and Ashley.

The following report was received from the State Treasurer :

STATE TREASURER'S OFFICE,
Sacramento, March 23, 1855. }

To the Hon. the Speaker of the Assembly:

SIR :

In conformity with Assembly resolution “requesting the Treasurer and Controller of State to furnish this House with a *detailed* account of the receipts

and expenditures of the State of California from the 1st day of July, 1854, to the 1st day of March, 1855," I have the honor to submit the accompanying exhibit for the month of February, 1855, which, with the special report from July 1, 1854, to February 1, 1855, recently submitted to your House, constitute the necessary compliance with the request for a detailed account, etc.

I have the honor to be,

Very respectfully,

Your obedient servant,

S. A. McMEANS,

State Treasurer.

Read and ordered printed.

Assembly bill No. 300, An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 15, 1855, being the special order of the day, was considered in Committee of the Whole, Mr. Gober in the chair.

Amended and ordered engrossed

Mr. Arrington offered a joint resolution relative to mail routes in the counties of Klamath and Siskiyou.

Read first, second and third time and passed.

The following protest of Mr. Amyn, by vote of the House, was ordered to be entered on the journal :

Whereas Assembly bill No. 239, being An Act amendatory of an Act to prescribe the time of commencing Civil Actions, passed April 22, 1850, when taken from the regular file, was, by the direction of the Speaker, read by the Clerk ; so soon as the reading was concluded, a member moved an indefinite postponement of said bill, upon which a debate arose, and, after some time, the motion to postpone was withdrawn and a motion to recommit was made, upon which further discussion was had. The previous question was then moved and sustained ; the question to recommit was then put, but not sustained by the House. The bill was again read by the Clerk, and an amendment, reported by the Committee to whom the bill had been referred, was also read and adopted by the House. A motion was then made to farther amend said bill, but I believe that, either through inadvertance or a misapprehension as to the precise position of the bill before the House, the last as well as all farther amendment was cut off by the application of the previous question, and, although the question of engrossment had not at any time been stated to the House, yet the question of engrossment was held subject to the operation of the previous question, which, in my opinion, could not, by any parliamentary usage, be made to apply to anything more than the motion to recommit. Said bill having passed in this manner, and believing that said Act is partial in its provisions, and hence calculated to inflict incalculable injury upon a large portion of the people of this State, known as settlers upon unoccupied lands, thereby subjecting them to endless and harrassing litigation, as well as legal oppression, by a class of speculators in and claimants of pretended Mexican grants of land in this State ; therefore, the undersigned enters this solemn pro-

test against the passage of the aforesaid unjust, because partial, legislative enactment.

Made at the Capitol, in Sacramento city and State of California, this 22d day of March, A. D. 1855.

F. AMYX.

Mr. Ferrell offered the following:

Resolved, That a special Committee of five be appointed to inquire into the abuse of banking, as it has been and is now conducted in this State, and that said committee examine the law under which banking is allowed, and if, in their opinion, depositors are not sufficiently protected, and bad faith, embezzlement or fraud, by bankers, sufficiently guarded against and punished, that they report, by bill, remedying any defects found existing in the present laws, and to make penal and to punish any embezzlement or fraudulent transaction committed by any banker or bankers.

Adopted.

The following Committee was appointed.

Messrs. Ferrell, Watkins, Farwell, Burke and Graves.

Mr. Johnston, of San Francisco, offered the following resolution :

Resolved, That the resolution heretofore adopted by this House, prohibiting the introduction of new bills after Monday next, the 26th inst., be so construed as to permit the introduction of any bills notice of the intention to introduce which is given on that day.

Adopted.

Mr. Johnston, of San Francisco, offered the following resolution :

Resolved, That the State Treasurer be requested to report to this House, on Monday, what arrangements he has made to procure the plates, and when the bonds will be prepared, provided for in the Act to fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of June, A. D. 1853, and the 1st day of July, 1855.

Adopted.

Mr. Meredith offered the following resolution :

Resolved, That the Enrolling Clerk of the Assembly be authorized to employ a Clerk to assist him in his duties.

Adopted.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate have this day passed

Assembly bill No. 38, An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial officers, passed May 15, 1854, with amendments as therein shown, in which the concurrence of the Assembly is respectfully requested.

C. DICKENSON,
Secretary of Senate.

March 24, 1855

Assembly bill No. 38, above reported.

Mr. Waite moved to amend the last Senate amendment to section 2 by striking out all after the word "election," in the fifth line.

Agreed to.

Mr. Douglas moved the previous question.

Sustained.

The question then recurred on concurring in Senate amendments.

Agreed to.

Pending the further consideration of the bill, on motion of Mr. Waite, the House adjourned at thirty-five minutes past three o'clock P. M.

IN ASSEMBLY.

MONDAY, March 26, 1855.

House met pursuant to adjournment.

Speaker in the chair.

Roll called and the following members were absent :

Messrs. Coombs and Doughty.

On motion, leave of absence for one day was granted to Messrs. Covarrubias, Gragg, Johnson of El Dorado, and Jones.

Mr. Amyx presented a petition for relief of P. L. Solomon, Sheriff of Tuolumne county.

Read and referred to Judiciary Committee.

Assembly bill No 314, An Act to quiet Titles.

Read second time and referred to Judiciary Committee.

Mr. Amyx introduced a bill for An Act granting to E. H. Thomas and others the right to construct a Toll Bridge across the Tuolumne River.

Read first and second time and referred to Committee on Roads and Highways.

Mr. Kinney introduced a bill for An Act entitled an Act to prevent Frauds in re-packing, marking and vending of Flour in this State.

Read first and second time and referred to Judiciary Committee.

Mr. Foster introduced a bill for An Act to incorporate the Town of El Dorado.

Read first and second time and referred to the El Dorado delegation

Mr. Arrington introduced a bill for An Act to authorize the Board of Supervisors which are hereafter to be elected in and for the County of Klamath to levy a Special Tax for the erection of Public Buildings in said County.

Read first and second time and referred to Klamath delegation.

Mr. Bates introduced a bill for An Act requiring the Public Administrator in each of the Counties of this State to pay over to the State Treasurer, under oath, all Moneys and Funds held within their hands belonging to the Estate of Deceased Persons, which have not been cared for by the heirs of the Deceased.

Read first and second time and referred to Judiciary Committee

Mr. Moreland introduced a bill for An Act to regulate the Fees of Public Administrators.

Read first and second time and referred to Judiciary Committee.

Mr. Curtis introduced a bill for An Act to amend an Act entitled an Act regulating Marriages

Read first and second time and referred to Committee on Vice and Immorality.

Mr. Edwards introduced a bill for An Act to amend the Act entitled an Act to fix the Times for holding the Terms of the District Courts throughout this State, passed May 15, 1853.

Read first and second time and referred to the Judiciary Committee.

Mr. Edwards introduced a bill for An Act amendatory of an Act entitled an Act concerning Sheriffs, passed April 29, 1851.

Read first and second time and referred to Judiciary Committee.

Mr. Updegraff introduced a bill for An Act to re-locate the County Seat of Yolo County by the qualified voters of said County

Read first and second time and referred to Committee on Counties and County Boundaries.

Mr. Watkins introduced a bill for An Act authorizing John W. Dougherty, A. J. Patterson and others to build a Turnpike Road.

Read first and second time and referred to Monterey and Alameda delegations.

Mr. Watkins introduced a bill for An Act in relation to the several Funds of this State

Read first and second time and referred to a select Committee of five, consisting of Messrs. Watkins, Waite, Lincoln, Clayton and Updegraff.

Mr. Amyx introduced a bill for An Act for the relief of P. L. Solomon.

Read first and second time and referred to the Committee on Judiciary.

Mr. Farley gave notice that he would, on to-morrow, or at an early day thereafter, introduce a bill to more clearly define the Boundaries of Amador County

Mr. Arrington gave notice that he would introduce a bill for an Appropriation for running County Boundaries.

Mr. Graves gave notice that he would introduce a bill for An Act to provide for a State Librarian and prescribe his duties.

Mr. Smith, of Marin, gave notice that he would introduce a bill directing the manner in which the State Treasurer shall dispose of the Money to be received from the General Government on account of the Indian War Debt.

Also, that at some early day he would introduce from one to fifteen bills, on different subjects, the titles of which are yet unknown

Mr. Whitney gave notice that he would, at an early day, introduce a bill for An Act to legalize the Official Acts of the present Assessors of the City of San Francisco.

Mr. Curtis gave notice that he would introduce a bill for the relief of Isaac W. Sanbanch, of Siskiyou County.

Mr. Waite gave notice that he would, at some future day, introduce a bill concerning Magnetic Telegraphs.

Mr. Murdock gave notice that he would, at an early day, introduce a bill granting to Chinese Residents of this State a certain Tract of Tule Land.

Also, a bill granting to John Vance the right to construct a Wharf at Eureka, Humboldt Bay.

Mr. Sherrard gave notice that he would introduce a bill to define the Boundaries of Sutter County.

Mr. Updegraff gave notice that he would introduce a bill to fund the Debt of the County of Yolo and provide for the Payment thereof.

Mr. Edwards gave notice that, at an early day, he would introduce a bill for An Act concerning Evidence in the Courts of Justice of this State.

Mr. Clayton gave notice that he would, on to-morrow, or an early day thereafter, introduce a bill for a Law to make it a Capital Offence to Fight with Fire Arms in the Public Streets and other Public Places.

Mr. Ashley gave notice that he would, at an early day, introduce the following Acts :

An Act concerning Public Revenue.

An Act concerning Public Roads.

An Act concerning Rodeos.

An Act concerning Marks and Brands.

An Act concerning Criminal Practice.

An Act concerning Judges of the Plains.

An Act concerning Wagon Roads.

An Act for the Relief of certain Persons.

An Act concerning Toll Bridges

An Act concerning the construction of a Wharf at Monterey.

An Act concerning Taxes.

An Act for General Purposes.

An Act concerning Offices

An Act concerning Wharves.

An Act concerning Public Lands.

Mr. Baker gave notice that he would, on to-morrow or some future day, introduce a bill to amend An Act entitled an Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853, and an Act amendatory of said Act, passed May 15, 1854, so as to make said Acts to apply to canals.

Also, a bill to authorize the County Treasurer of Tulare County to loan the Funds which now are or may hereafter come into his hands, belonging to said County, for the support of Indigent Sick.

Mr. Wells gave notice that he would introduce a bill for An Act to regulate Banking and Depositing of Gold and Silver in Coin, Dust, and Bullion.

Mr. Douglas gave notice that he would, at an early day, introduce a bill entitled An Act enforcing the Collection of Claims against Persons violating, or who have violated the provisions of an Act to License Gambling, passed March 14, 1851.

Also, An Act to appropriate Money for finishing the buildings of the Insane Asylum at Stockton.

Mr. Waite presented accounts against the office of Superintendent of Public Instruction, Governor and Secretary of State, which were recommended to be paid out of the contingent fund.

Mr. Douglas, Chairman, made the following report :

Mr. Speaker :

The Committee of Ways and Means, to whom was referred Assembly bill No. 202, An Act entitled an Act making State, County and City Indebtedness receivable in payment of Public Dues, have had the same under consideration, report it back and recommend its indefinite postponement.

DOUGLAS,
Chairman.

Report adopted.

Mr. Douglas, Chairman, made the following report :

Mr. Speaker :

The Committee of Ways and Means, to whom was referred Assembly bill No. 296, an Act entitled An Act to provide for the redemption of California War Bonds previous to maturity, have had the same under consideration, report it back and respectfully recommend its passage.

DOUGLAS,
Chairman.

Placed on file.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled An Act concerning the Offices of Controller and Treasurer of State.

Also, An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled on Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854.

Also, An Act amendatory of and supplementary to an Act entitled an Act to provide for the Incorporation of Towns, passed March 27, 1850.

Also, An Act supplementary to an Act defining the Time for commencing Civil Actions in certain cases, passed May 4, 1852.

H. B. MEREDITH,
Chairman.

Mr. Palmer made the following report :

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed Joint Resolution No. 5, relative to the establishment of Mail Routes in Klamath and Siskiyou counties.

PALMER,
Of Committee.

Mr. Moreland, Chairman, made the following report :

Mr. Speaker :

The Committee, on Engrossment have examined and find correctly engrossed An Act to suppress Gaming.

Also, An Act to amend an Act entitled an Act to create a Board of Supervisors for the County of San Diego and to define their Duties, approved May 2, 1852.

Also, An Act to legalize the Acts of the County Recorder of the County of San Diego while acting as County Auditor, since the third day of May, 1852.

Also, An Act to prohibit the Sale and Manufacture of Spiritous and Intoxicating Liquors.

Also, An Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State and to define their Duties and Powers, passed March 20, 1855.

THOS. MORELAND,
Chairman.

Mr. Gober, from Committee on Vice and Immorality, made the following report :

Mr. Speaker :

The Committee on Vice and Immorality, to whom was referred Assembly bill No. 229, An Act to prohibit the sale or offering for sale of food injurious to health, have considered the same, report it back and recommend its passage.

GOBER,
Of Committee.

Mr. Arrington verbally reported Assembly bill No. 320, An Act to authorize the Board of Supervisors which are hereafter to be elected in and for the County of Klamath to levy a Special Tax for the erection of Public Buildings in said County.

Placed on file.

Mr. Baker, from special Committee, made the following report :

Mr. Speaker :

The special Committee to whom was referred Assembly bill No. 88, have had the same under consideration and instruct me to report the following substitute and recommend its adoption.

BAKER,
Of Committee.

Mr. Graves made the following report :

Mr. Speaker :

The special Committee composed of the delegations from San Luis Obispo, Alameda and Monterey, to whom was referred Assembly bill No. 306, An Act to provide for the extinguishment of the Indebtedness, present and accruing, of the

County of Monterey, after having given the matter due consideration, have directed me to report the same and recommend its passage without amendment.

GRAVES,
Of Committee.

Mr. Gober, from select Committee, made the following report .

Mr. Speaker :

The select Committee to whom was referred Assembly bill No. 266, An Act granting the use of certain Overflowed Lands to James F. Hibbard, having considered the same, report it back and recommend its passage.

GOBER,
Of Committee.

Assembly bill No. 266, above reported.

Placed on file

Assembly bill No 313, An Act supplemental to and amendatory of an Act entitled an Act to create a Board of Supervisors for the County of Alameda, approved March 20, 1855

Mr. Watkins, Chairman, verbally reported the bill.

Read third time and passed.

The following communication was received from the State Treasurer :

STATE TREASURER'S OFFICE,
Sacramento, March 26, 1855 }

To the Honorable the Speaker of the Assembly :

Agreeably to a resolution of the Assembly, adopted March 24, 1855, requesting "the State Treasurer" to report to this House, on Monday, what arrangements he has made to procure the plates, and when the bonds will be prepared, provided for in the Act to fund the Indebtedness of the State, &c," I have the honor to state that, immediately after the passage of the Act referred to, and prior to its approval by the Governor, I made arrangements with Messrs. Britton & Rey, of San Francisco, for the earliest practicable preparation of the bonds required by said Act, compatible with a proper execution of the work. I feel authorized to add that the work is in process of completion, and that I will be enabled to issue a portion of these bonds within twenty-five days from this date.

I have the honor to be

Your obedient servant,

S. A. McMEANS,
State Treasurer.

The following message was received from the Senate :

SENATE CHAMBER, March 24, 1855.

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on the 19th instant, pass Assembly bill No. 60, An Act to prevent the Trespassing of Animals upon Private Property.

Also, on the 21st instant, Assembly bill No. 191, An Act authorizing the Commissioners of the Funded Debt of the County of Tuolumne to re-issue certain Bonds to John W. Dwinelle.

Also, Assembly bill No. 161, An Act to authorize the funding of the Outstanding City Scrip.

Also, Assembly bill No. 269, An Act to discharge the Board of Examiners of War Claims from further duties, with amendments.

Also, Senate bill No. 84, An Act to amend an Act entitled an Act for the Government and Protection of Indians, passed April 22, 1850.

Also, Senate bill No. 124, An Act for the Relief of Jesse Sawyer.

Also, Senate bill No. 118, An Act to allow John J. Ellet to construct a Canal at Belmont, in the County of San Francisco.

C. DICKINSON.

Secretary Senate.

Assembly bill No. 269, reported above.

Senate amendments concurred in.

Senate bill No. 124, An Act for the Relief of Jesse Sawyer

Read first and second time and referred to Committee on Claims.

Senate bill No. 50, An Act to amend an Act entitled an Act for the Government and Protection of Indians, passed April 22, 1850.

Read first and second time and referred to Committee on Indian Affairs.

Mr Graves introduced the following concurrent resolution :

Resolved, By the Assembly, the Senate concurring, that the Postmaster General of the United States be and he is hereby most respectfully urged and requested to provide for the conveyance of semi-monthly land mails on the route heretofore established by law, from the city of Monterey *via* the town of San Luis Obispo to the city of Santa Barbara, in this State

Resolved, That his Excellency, the Governor, be and he is hereby respectfully requested to forward a copy of the above resolution to the Postmaster General of the United States.

Adopted.

Mr. Watkins offered the following resolution :

Resolved, That the Sergeant-at-Arms be and he is hereby requested to return the clock now pendant in the Assembly chamber to the person furnishing the same.

Adopted.

Mr. Waite presented an account of J. M. Shephard, for \$405.

Referred to Committee on Claims.

Mr. Ashley offered the following resolution :

Resolved, That every elected officer of this House be instructed, within two days, to report in writing to this House the numbers, names and per diem of any and all Clerks or other employees by him appointed or designated and who are to receive pay from the State; and the Clerk of the Assembly is instructed to post up in the House a copy of said report as soon as received.

Adopted.

The following resolution was offered by Mr. Edwards :

Resolved, That the State Printer be instructed to furnish this House with eighty copies of the codified and bound volumes of the Act to regulate Proceedings in Civil Cases, known as the Practice Act; *provided*, that he will not charge more than the lawful rates for composition, press work, &c., and that he will make no charge whatever for the leather cover or for codifying the various Acts.

Adopted.

Assembly bill No. 191, An Act authorizing the Commissioners of the Funded Debt of the County of Tuolumne to re-issue certain Bonds to John W. Dwinelle, was taken up and Senate amendments concurred in.

Senate bill No. 118, An Act to allow John J. Ellet to construct a Canal at Belmont, in the County of San Francisco.

Read first and second time and referred to Committee on Internal Improvements.

Assembly bill No. 62, An Act to prohibit the Sale and Manufacture of Spirituous and Intoxicating Liquors.

Taken up and read third time.

Mr. Smith, of Marin, moved to re-commit the bill with instructions to strike out the unconstitutional provisions.

Not agreed to.

On the passage of the bill the ayes and noes were demanded by Messrs. Arrington, Ferrell and Stevens, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Ashley, Adkison, Baker, Brown of Contra Costa, Burke, Cory, Clayton, Cook, Cunningham of El Dorado, Edwards, Farley, Foster, Ferguson, Gaylord, Geller, Gober, Johnston of San Francisco, Keys, Kinney, Lincoln, Murdock, Oxley, Palmer, Phelps, Quinn, Stevens, Sherrard, Singley, Smith of El Dorado, Stewart, Taliaferro, Watkins, Waite, Wells, Whitney, Mr. Speaker—37.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Bates, Beatty, Bogardus, Brown of Nevada, Chase, Cunningham of Sierra, Curtis, Douglass, Ferrell, Graves, Hunt, McCutchan, McCurdy, Melius, and Updegraff—16

So the bill passed.

On motion, the House resolved itself into Committee of the Whole, Mr. Talia-

ferro in the Chair, to consider Senate bill, No 77, An Act appropriating Money for the payment of Frank Denver, for services rendered in making repairs on State Capitol.

Committee rose, reported, and were discharged.

Messrs Ashley, Watkins, and Quinn, demanded the ayes and noes, on its passage, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs Amyx, Baker, Bates, Beatty, Bogardus, Brown of Nevada, Chase, Clayton, Cunningham of Sierra, Curtis, Douglas, Edwards, Failey, Foster, Ferguson, Gaylord, Gober, Graves, Hunt, Johnston of San Francisco, Kinney, McCutchan, McCurdy, Mellus, Oxley, Palmer, Phelps, Sherrard, Smith of El Dorado, Smith of Marin, Stewart, Tahaferro, Updegraff, Waite, Wells, Whitney, and Mr. Speaker—37.

NOES.

Those who voted in the negative were—

Messrs. Arrington, Ashley, Cery, Cook, Lincoln, Moreland, Quinn, and Watkins—8.

So the bill passed.

Assembly bill No 94, An Act for the better Protection of Settlers, was passed over, and placed at the foot of the file.

Assembly bill No. 49, An Act to declare the Head of Navigation on Alameda river—

On motion of Mr Watkins, the word "ten," where it occurs in the fourth line of the bill, was stricken out, and the word "fourteen" inserted

Mr. Edwards moved to insert the word "river," in first section.

Agreed to.

On motion, the bill was then considered engrossed, read a third time, and passed.

Assembly bill No. 67, An Act to prescribe the manner of issuing and redeeming Scrip, and the duties of officers in relation thereto in the Counties and Cities, and incorporated Towns in this State—

Taken up and amended, and pending the consideration of the same,

Mr. Wells moved to adjourn.

Not agreed to.

Mr. Ashley moved to strike out the enacting clause of the bill.

Not agreed to.

Mr. Douglas moved to re-commit.

Agreed to.

The House then, on motion of Mr. Smith of Marin, adjourned at 55 minutes past 1 o'clock, P. M.

IN ASSEMBLY.

TUESDAY, March 27, 1855.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and Messrs Rodgers and Coombs were absent :

On motion, Mr Coombs was granted leave of absence for one day

Journal of yesterday was read. amended, and approved.

Mr Farwell presented a petition from citizens of San Francisco county, praying for a division of the county

Read, and referred to the San Francisco delegation.

Mr. Ferrell introduced a bill for An Act amendatory of and supplementary to an Act entitled an Act to create a Board of Supervisors for the County of San Diego, and to define their duties, approved May 3, 1852.

Read first and second time, and referred to Committee on Corporations.

Mr. Edwards made the following report :

Mr. Speaker :

The Committee on the Judiciary have considered the Senate's proposed Amendments to the Constitution of the State of California, and instruct me to recommend their passage without amendment.

EDWARDS,
Chairman.

Mr. Brown, of Nevada, made the following report :

Mr. Speaker :

The Committee on Mines and Mining Interests, having had under consideration Assembly bill No. 194, entitled An Act declaring Mining claims to be personal property, and to exempt the same from forced sale in certain cases, beg leave to report the same back to the House, after unanimously coming to the same conclusion as to its merits that old Billy Nelson entertained about the *goodness* of his God, which was this: "Old Billy" was a native of the good old State of North Carolina, at the time of which we speak, whose home farm bordered on a water-course, known in the geography of the country as Doe river, and who, by the bye, was a member of the good old Baptist Church (known as hard shells). "Old Billy", one fine morning in the month of June, of what year its of no particular difference, after a very severe rain storm, took a stroll over his farm, to see if any damage had been done him by the storm, and, upon an examination, found that the river had raised to such a height as to wash his whole crop off with the flood, leaving naught but desolation in place of a fine prospect for a rich harvest. After "Old Billy" had surveyed the scene of desolation that lay before him, he remarked in his wrath—as a matter of course, because "Old Billy" was a religious man—that

he believed, "to take *God-all-mighty* up one hill and down another, he did just about as much harm as he did good." The Committee, entertaining the same opinion of the bill that "Old Billy" did of the goodness of his God, take great pleasure in returning the same back to the House without amendment, satisfied that they will dispose of the same as its merits justly deserve.

H. M. C. BROWN,
Of Committee.

On motion of Mr. Edwards, the Committee had leave to withdraw the report.

Mr. Mellus, Chairman of Committee on Accounts, verbally reported back a communication of the Secretary of State in relation to the purchase of a clock from Messrs. Hiller & Andrews, recommending that the clock be returned.

Mr. Clayton, from the Committee on Mileage, made the following report :

Mr. Speaker :

The Committee appointed to visit the Insane Asylum at Stockton (consisting of Mr. Bates) has performed the duties assigned him, and is entitled to \$44 mileage.

T J. KEYS,
Chairman.

Adopted.

Mr. Foster made the following report :

Mr. Speaker :

The El Dorado delegation, to whom was referred Assembly bill No. 327, have had the same under consideration, and instruct me to report the same back to the House, and recommend its passage.

FOSTER,
Chairman.

Assembly bill No. 142, An Act to provide a Law Library for the Supreme Court—

Placed at the foot of the calendar.

Assembly bill No 15, An Act to amend an Act entitled an Act defining the time for commencing Civil Actions, passed April 22, 1850—

Placed at the foot of the calendar.

Assembly bill No. 109, An Act for the Protection of Game, passed May 1, 1852, to the Counties of Shasta and Trinity—

Considered engrossed, read third time and passed.

Assembly bill No. 106, An Act concerning County Officers—

Mr. Flounoy moved to indefinitely postpone the bill.

Mr. Smith, of Marin, moved to recommit the bill to the delegations from Klamath and Placer counties.

Agreed to.

Mr. Adkison, Chairman, verbally reported in favor of the passage of Assembly

bill No. 315, An Act to separate the office of Collector of Taxes from the office of Sheriff in the County of Yuba.

Bill placed on file.

Mr Ashley, Chairman, verbally reported Assembly bill No. 301, An Act to authorize Mathews and others to construct a Wagon Road through the Coast Range of Mountains.

Passage recommended, and bill placed on file.

Assembly bill No. 118, An Act to amend an Act entitled an Act concerning fraudulent Conveyances and Contracts, passed April 19, 1850—

Taken up, amended, and laid upon the table

Assembly bill No. 140, An Act for the relief of H. B. & C E. Paine—

The House resolved itself into Committee of the Whole, Mr. Johnston, of San Francisco, in the chair.

Committee rose and recommended the passage of the bill.

Upon which, Messrs Watkins, Waite, and Stevenson, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Adkison, Baker, Bates, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Cook, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Edwards, Farley, Flournoy, Ferguson, Graves, Gragg, Hosmer, Johnston of San Francisco, Kinney, McCurdy, Meredith, Murdock, Palmer, Phelps, Sherrard, Updegraff, Waite, Wells, Whitney, and Mr. Speaker—35.

Those who voted in the negative were—

NOES.

Messrs. Ashley, Bogardus, Buffum, Cammet, Cory, Chase, Clayton, Cunningham of El Dorado, Ferrell, Foster, Gaver, Geller, Gober, Hunt, Jones, Keys, Lincoln, McCutchan, McConnell, Mellus, Moreland, Quinn, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, and Watkins—31.

So the bill passed.

Senate bill No. 83, a bill for An Act to declare the Tenure of Lands in the Mining Districts of this State—

Mr. Ashley moved to strike out the first section.

Not agreed to.

Mr. Edwards moved to add to the end of section 2d :

“ *Provided*, That nothing in this Act shall be construed or held to affect in any manner the revenue laws of this State.”

Adopted.

Mr. Stevenson moved to recommit the bill to the Committee on Mines and Mining Interest.

Agreed to.

Assembly bill No. 259, An Act to fix the Compensation of the County Judges of Siskiyou and Klamath, and to repeal in part the first section of An Act entitled

an Act to fix the Compensation of County Judges and Associate Justices of the Court of Sessions, passed May 17, 1853—

Mr. Watkins moved to strike out "three thousand," and insert two thousand.

Not agreed to.

The bill was considered engrossed, read third time, and passed.

Assembly bill No. 256, An Act to repeal an Act entitled an Act to regulate Rodeas, passed April 30, 1851, so far as the same relates to the County of Tulare—

Considered engrossed, read third time, and passed.

Assembly bill No. 252, An Act supplementary to and amendatory of An Act entitled an Act concerning Conveyances, passed April 16, 1850—

Committee amendments concurred in, the bill was considered engrossed, read third time, and passed.

Assembly bill No. 230, An Act to authorize John Moore to construct a Bridge across the Elk river—

The Committee amendments were adopted.

Mr. Jones moved to indefinitely postpone the bill.

Whereupon, Messrs. Jones, Buffum, and Graves, demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Baker, Buffum, Cammet, Clayton, Cook, Covarrubias, Cunningham of El Dorado, Doughty, Ferrell, Graves, Gragg, Jones, Keys, Kinney, Quinn, Ryland, Stevens, Smith of El Dorado, Waite and Wells—22.

Those who voted in the negative were—

NOES.

Messrs. Ashley, Bates, Brewton, Brown of Contra Costa, Brown of Nevada, Cory, Cunningham of Sierra, Curtis, Dana, Douglas, Edwards, Farley, Farwell, Flournoy, Ferguson, Gaylord, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Lincoln, McConnell, McCurdy, Moreland, Murdock, Palmer, Sherard, Singley, Stewart, Watkins, and Whitney—31.

So the motion was lost.

Mr. Farley moved the previous question.

Sustained.

Messrs. Farwell, Jones, and Amyx, demanded the ayes and noes on the engrossment of the bill, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Ashley, Adkison, Bates, Brewton, Brown of Contra Costa, Brown of Nevada, Cory, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Flournoy, Geller, Hosmer, Johnson of El Dorado, Johnston of San Francisco, McConnell, McCurdy, Meredith, Moreland, Murdock, Palmer, Stevenson, Sherard, Smith of Marin, Stewart, Updegraff, Watkins, Whitney, and Mr. Speaker—32.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Arrington, Baker, Cammet, Chase, Clayton, Cook, Covarrubias, Cunningham of El Dorado, Farwell, Ferrell, Ferguson, Gober, Graves, Gragg, Hunt, Jones, Keys, Kinney, Knox, McCutchan, Mellus, Phelps, Quinn, Ryland, Stevens, Singley, Smith of El Dorado, Waite, and Wells—31.

So the bill was ordered engrossed.

Mr. Flournoy offered the following Concurrent Resolution :

Resolved, by the Assembly, the Senate concurring, that the two Houses of the Legislature will adjourn, *sine die*, on the 16th day of April, 1855.

Adopted.

Mr. Brown, of Nevada, moved to adjourn.

Whereupon, Messrs. Arrington, Farwell, and Covarrubias, demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Bates, Brewton, Brown of Nevada, Edwards, Farley, Ferrell, Ferguson, Graves, Gragg, Hosmer, Lincoln, McCutchan, McConnell, Meredith, Moreland, Stevens, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, and Updegraff—24.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Baker, Brown of Contra Costa, Cammet, Cory, Clayton, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Hunt, Johnston of San Francisco, Jones, Keys, Kinney, McCurdy, Mellus, Muddock, Palmer, Phelps, Quinn, Ryland, Stevenson, Watkins, Waite, Wells, Whitney, and Mr. Speaker—36.

The motion was lost.

The following message was received from the Senate :

Mr. Speaker:

I am directed to inform the Assembly that the Senate refuse to concur in the amendment of the Assembly to Senate amendment in the second section of Assembly bill No 38, entitled An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial officers, passed May 15, 1854, and have appointed a Com-

mittee of Free Conference, consisting of Messrs Lippincott, Whiting, and McGarry, and ask the appointment of a similar committee on the part of the Assembly.

Respectfully,

C. DICKINSON,
Secretary Senate.

On motion of Mr. Flournoy, a Committee of Free Conference was appointed to meet Senate Committee in relation to an amendment to second section of Assembly bill No. 38.

Mr. Farwell offered the following resolution :

Resolved, That five hundred copies of the Report of the Committee on Internal Improvements on Assembly bill No. 16, be ordered printed.

Laid over one day under the rule.

On motion of Mr. Stevenson, the House adjourned at 3 o'clock, P. M.

IN ASSEMBLY.

WEDNESDAY, March 28, 1855:

House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called, and the following members were absent :

Messrs. Covarrubias, Taylor, and Whiting.

The Journal of yesterday was read and approved.

Mr. Buffum offered the following resolution :

Resolved, the Senate concurring. That a Committee of one from the Senate and one from the Assembly, be appointed to proceed immediately to San Francisco, with power to act on behalf of the State, in concert with the Mayor and Board of Supervisors, upon some plan for the maintenance of the indigent sick of the State, who, by the abolition of the State Marine Hospital, will be left destitute and unprovided for.

Mr. Hosmer offered the following substitute :

Resolved, the Senate concurring, That a select Committee, consisting of the Chairman of the Committee on the State Hospital in the Senate, and the Chairman of the same Committee in the House, be directed to proceed to San Francisco, and in conjunction with the Mayor of said city, be authorized and empowered to make

such temporary arrangement as may be deemed necessary to provide for the maintenance and comfort of the indigent sick now in the State Marine Hospital.

Adopted.

Mr. Jones offered an amendment, which read as follows :

Resolved, by the Assembly, the Senate concurring, That the Chairman of the Hospital Committee of the Senate and Assembly, be authorized and requested to proceed immediately to San Francisco, and treat, in conjunction with the Mayor of said city, in his capacity as President of the Board of Supervisors, and as Mayor of the city of San Francisco, for the temporary care of the indigent sick now remaining in the State Marine Hospital at charge of the State, until some permanent provision can be made.

Agreed to.

Mr. Ferrell made the following report :

Mr. Speaker :

The Judiciary Committee, to which was referred Assembly bill No. 229, fixing the per annum compensation of District Attorneys in the several Counties of this State, have considered the same, and believing the compensation fixed in the bill to be too high for many of the Counties, report the following substitute, and recommend its passage.

FERRELL,
Of Committee.

Assembly bill No. 229, above reported, was placed on file.

Mr. Smith, of Marin, introduced a bill for An Act directing the manner in which the money due this State from the General Government on the Indian War Claims shall be applied.

Which was read first and second time, and referred to the Committee on Indian Affairs.

Mr. Farley made the following report :

Mr. Speaker :

The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 254, An Act to organize the County of Kern, have had the same under consideration, and report the same back to the Assembly, and recommend its passage.

FARLEY,
Chairman.

Assembly bill No. 254, reported above, was placed on file.

Mr. Meredith, Chairman, made the following reports :

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled, An Act to provide J. G. Stebbins, W. W. Stow, and H. P. A. Smith, with duplicate Warrants, in lieu of certain warrants lost or destroyed.

The Joint Committee on Enrollment presented to Governor Bigler, for his approval, yesterday, the following Acts, viz .

An Act concerning the offices of Controller and Treasurer of State ; also,

An Act to amend an Act entitled an Act amendatory of and supplementary to the Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854 ; also,

An Act amendatory and supplementary to an Act entitled an Act to provide for the Incorporation of Towns, passed March 27, 1850 ; also,

An Act supplementary to an Act defining the time for commencing Civil Actions in certain cases, passed May 4, 1852.

MEREDITH,
Chairman.

Mr. Baker, from special Committee, made the following report :

Mr. Speaker :

The special Committee, to whom was referred Assembly bill No. 260, a bill to provide for locating and constructing a Wagon Road from the city of Stockton to the eastern boundary line of this State, have had the same under consideration, and instructed me to report the following substitute, and recommend its adoption and passage.

BAKER,
Of Committee.

Assembly bill No. 260, reported above, was placed on file.

Mr. Arrington made the following report :

Mr. Speaker :

Your Committee, to which was referred Assembly bill No. 106, have had the same under consideration, and report back a substitute, and recommend its passage.

ARRINGTON,
Of Committee.

Assembly bill No. 106, reported above, was placed on file.

Mr. Gober made the following report :

Mr. Speaker :

The Joint Special Committee of the Senate and Assembly, having under consideration the subject of the State Library, and to whom was referred the memorial of the Supreme Court Judges, the communication from the Secretary of State and the proposition of Wm. B. Olds, Esq., of San Francisco, and also

other propositions and bills connected with the subject of a State Library, would respectfully report :

That they have given the matter committed to them careful and deliberate consideration, and with due reference to the permanent and best interests of the State. They are unanimously of the opinion that the State should, as soon as practicable, provide a good and sufficient library, to which the judiciary members of the Legislature, State officers and others can have access. The want of such a library has been seriously felt in all its departments ever since the organization of the State Government, and has seriously affected, to our prejudice, the due and careful administration of justice by our courts, as well as the framing of laws by our Legislators and their execution by our various officers. However learned, capable or eminent may be a Judiciary, or those upon whom devolve the making or the execution of laws, it is requisite that they should have access to the necessary books to enable them to discharge their respective duties in a proper and enlightened manner. Books to them are what tools are to the mechanic or artisan, and are equally indispensable. It is unnecessary to enlarge upon this subject ; it appeals strongly to every person of education and of liberal and enlightened views. In almost every State of the Union, it has been one of the first duties to provide liberally for the establishment of a library for the use of the Judiciary and State officers. In no State is this of so great importance as in California, where it may be considered as of imperative necessity. We are removed thousands of miles from the source where books of reference can be obtained or referred to, requiring a long period of time as well as great trouble and expense to obtain them when absolutely required.

California, too, unlike any other State, is composed of citizens from every portion of the Union, whose laws, decisions and reports are constantly cited and referred to in our courts, while our laws are chiefly taken from the statute books of other States, which have been settled by judicial construction, making it a matter of great necessity that the laws, reports and judicial decisions of all the States should be collected together and be accessible to our Judiciary Legislators and other officers.

Many of the States have provided separate and distinct libraries for the Judiciary and for the State. In consideration, however, of the present condition of our finances, we are of the opinion that one library will, at present, fully answer both purposes. It can be equally accessible to all requiring its use, whether it be under the charge of the State Department or of the Judiciary ; and it is expected that the State will erect a Capitol building, when it will be equally convenient for both.

The present State Library is small, very imperfect and incomplete, and by no means sufficient and adequate for the purposes required.

Among the matters submitted to us, is a memorial from the Supreme Court, asking that the law portion of the State Library be transferred to their custody, and to add thereto an appropriation for the purchase of other books. They strongly represent the increase of their labor, and the less satisfactory results to themselves, for want of the facilities for thorough investigation, which at present is beyond their reach. They also request that the Legislature will allow them a confidential Clerk, or Secretary, to be appointed by them, in order to relieve them of a large amount of manual labor, in the engrossing of their opinions, and otherwise, and which would greatly facilitate the business of the court.

The communication from the Secretary of State shows that no direct appropriation has ever been made by the State for a library. He recommends an immediate appropriation for that purpose, and that it be separated from his department, and the Board of Directors changed and reduced in numbers. He also suggests two new sources of revenue for the Library Fund, from which a large amount might be annually obtained.

Another proposition submitted to us, was from William B. Olds, Esq., the proprietor of the institution known as the San Francisco Law Library. In his memorial, he proposes to sell this library to the State, at such a price as any Committee, appointed by the Legislature to value and appraise it, should say it was fairly and actually worth. This proposition was so fair and unobjectionable that it favorably impressed the Committee, and, under your instructions to that effect, they proceeded to San Francisco for the purpose of making a personal examination and appraisal and an inquiry into the extent and condition of that library. We ascertained that it was originally established in the latter part of 1852, as a public Law Library, relying for its support upon monthly subscriptions from such as desired to use it. It now comprises upwards of three thousand five hundred volumes, consisting of English, American, French and Spanish law books, collected together from many sources during the past two years and a half. Its shelves contain nearly all the English reports; the reports, complete to the latest dates, of most of the States of the Union, with many of their laws, digests and revised statutes; a large and quite complete collection of miscellaneous law books and several hundred volumes of French and Spanish law. There are also a number of scarce and valuable parliamentary works, which are difficult to be procured, and, for a State Library, are of great importance.

From personal examination and inquiry, we are of the opinion that this library has been well and judiciously selected, and will fully answer all the purposes required, needing no further *direct* appropriation to make it complete in all respects and an ornament to this or any other State. There are many volumes in the collection which are old, rare and scarce, very difficult to be obtained, and only procurable as opportunities occur.

In relation to the value of the collection referred to, your Committee have used their best endeavors to arrive at a correct result. They ascertained that, in a proposition recently on foot to establish a permanent Law Library Association, with reference to its purchase, its valuation was agreed upon at seventeen thousand dollars, which was arrived at from an investigation of its original cash cost. In addition to this, however, your Committee made personal inquiries from disinterested parties, as to the actual cash cost of law books in the Atlantic cities, and the expense of getting them here by the cheapest modes of transmission. They satisfied themselves that a large Law Library, bought at the cheapest rates, for cash, including transportation and incidental expenses, will average at least five dollars per volume. We think this estimate low, and the law books purchased for the State cost a greater sum, in cash, at the place of purchase. The booksellers in this State demand a much higher average price per volume, and all professional works readily bring a large advance on original cost at the East and expenses of transportation.

From personal investigation and inquiry, we are satisfied that the San Francisco Law Library is fully and justly worth, to the State, or to any individual, the cash valuation put upon it, as above mentioned. We believe that said sum is not far from its actual cash cost, and that the books were purchased at as low a price as individual economy and exertion could procure them; nor do we think the State, for a similar amount in cash, could, in any event, procure or purchase the same, or so good or complete a collection.

One objection to the purchase of the Library referred to, was, that the present State Library contained many law books also comprised in that collection. This objection has been obviated by Mr. Olds agreeing to withdraw the most important of such duplicates, amounting to about five hundred volumes, and to make a corresponding deduction in the price. This would leave but an unimportant amount of duplicates, should the two libraries be consolidated and united.

Your Committee would further state that the San Francisco Law Library is by far the largest and most complete collection of law books in the State, and the first

and only institution of the kind on the Pacific, and that it will favorably compare with many older institutions of a similar nature in the older States. We have also been informed, that, since its organization, it has been freely accessible to the Judiciary of the State, without charge, and that the administration of justice and of the laws, have derived great advantages therefrom. Mr. Olds also proposes and agrees, should the State purchase his Library, to deliver the same, in good condition, at such time and place as may be required without further cost to the State.

From a full investigation of the subject matters committed to them, and after due consideration thereon, having in view the best interests of the State, your Committee would unanimously recommend that the State purchase the San Francisco Law Library, and they urge among other reasons the following :

First, That it is necessary for the State to provide as soon as possible a sufficient and proper library for the use of the Judiciary, the Legislature, and officers of the Government.

Second, The price at which the library referred to is offered, we consider fair and reasonable, and much less than the ordinary and current price in this State, even if it could be procured here.

Third, We do not believe that the State could, in any event, purchase and have delivered here so complete and valuable a library for the same price.

Fourth, It is important that a library be provided as soon as possible, and should the State attempt to procure one elsewhere, it would take a long time to do so, while the one referred to is immediately available.

Fifth, There are in this collection many rare and scarce works of great importance, which it would require a long time to procure from any other source.

Sixth, The State know what they are purchasing, and that they will receive full value for any appropriation they may make for that purpose.

Seventh, If not purchased by the State, it will be sold in parcels, thus breaking up and scattering the most complete collection of books on the Pacific, and which have been brought together by great industry and exertion.

In relation to the Library Fund, your Committee would report that the provisions of law already existing, with other sources of revenue hereinafter suggested, will provide an ample fund, rendering any further or other appropriation wholly unnecessary in future, and will in a short time make the State Library one of the largest and most complete of any in the Union. Should this revenue be kept in force for a few years, it will eventually reimburse to the State any sum they may now appropriate.

We would recommend that the Library be placed, for the present, under the charge and direction of the Supreme Court, (the Legislature and all State officers to have free access to the same,) and that the Judges have the power of appointing a Librarian, who shall also act as their confidential Secretary, as requested in their memorial, if so desired by them. We would also state that a fire-proof building is being erected, adjoining the one now occupied by the Supreme Court, the upper portion of which it is proposed to convert in a library room, and which is peculiarly convenient and adapted for that purpose.

In addition to the present sources of revenue for a Library Fund, we suggest that every transcript on appeal filed in the Supreme Court, shall be taxed the sum of ten dollars, to be paid in the first instance by the party filing the same, and included in his costs; also, that every attorney hereafter admitted to the Supreme Court, shall pay the sum of five dollars on signing the roll; and also, that all persons not State Officers, who may use the Library when the Court is not actually in session, shall be required to pay the sum of fifteen dollars annually in advance.

The revenue to the Library Fund from existing enactments is upwards of \$2,500 per annum, and would be much larger, were the suggestions of the Secretary of State carried into effect. The number of transcripts filed in the Supreme

Court is at least two hundred and fifty per annum, which number will undoubtedly increase, and it is estimated that an annual sum of at least \$3,000 per annum will be received from the admission of new attorneys, and the annual sum charged those who may use the Library.

The above sources of revenue will create a Library fund of over \$7,000 per annum, and will be derived almost entirely from those most directly and beneficially interested. We believe that these requirements and provisions will be gladly and cheerfully complied with by those interested, in consideration of access to a large and complete Library. From these revenues also, a fund may be created, which will not only answer all the proper demands of the Library for the future, but will, if continued, eventually pay back to the State, all moneys that may have been expended thereon.

The Committee recommend, that for present purposes in the purchase of the Library as above proposed, a direct appropriation to be made from the General Fund, and that hereafter, after the necessary expenses of the Library have been first paid, the balance of the revenues of the Library fund be prepaid into the Treasury, until the whole amount of the sums advanced by the State for that object, shall have been reimbursed; if, however, on the contrary, the State should prefer that all such revenues shall be devoted to the increase of the State Library, it will in a very few years build up a most noble institution, of which our State would be justly proud.

Your Committee will, at an early day, report a bill, which shall embrace in one Act the various Laws now in force relative to the State Library, and include also the recommendations contained in this report, and place the State Library on a firm and permanent basis, with rules and regulations for its use and government.

Meanwhile, they submit with this their report, the accompanying bill for an Act providing for the purchase of the Law Library hereinabove referred, and would respectfully recommend its passage.

They would also state in conclusion, that after a careful and deliberate consideration of all the matters submitted to them, they have unanimously concurred in the foregoing report, and they are all of the opinion that the course proposed is for the best and permanent interest of the State, and the best that could be recommended.

All of which is respectfully submitted.

W. R. GOBER,
Chairman House Committee.

Mr. Watkins made the following report:

Mr. Speaker:

The Select Committee, to whom was referred the Assembly bill No. 324, have had the same under consideration, and direct me to report it back without amendment.

WATKINS,
Of Committee.

The bill was placed on file.

Mr Taliaferro made the following report:

Mr. Speaker:

The Select Committee, to whom was referred the subject matter of a communication from the Treasurer of State to his Excellency the Governor, touching a supposed conflict between the fifth section of an Act to fund the Indebtedness of the State existing in the form of State Controller's Warrants, drawn upon the Treasurer of State between the 30th of June, 1853, and the 30th July, 1855, passed March —, 1855, and the seventh section of an Act to provide for the Sale of the interest of the State in the property within the Water Line Front of the city of San Francisco, &c, passed May 18, 1853, have had the same under consideration, and beg leave to report, that they have been unable to perceive any conflict between the two sections above referred to, and pointed out in the Treasurer's letter. The law creating the Board of California Land Commissioners, makes it the imperative duty of the Treasurer to receive from the purchasers of the State's property, cash, or civil bonds of the State, or civil warrants of the Controller of State on the Treasury; and this duty is not restricted by the Funding Act of the present session, in the section referred to in the Treasurer's letter. The payments by the debtors of the State, of moneys arising from the sale of the State's property is not, agreeably to any existing law, a liquidation or payment by the Treasurer of the indebtedness of the State, and your Committee is unable to conceive any good reason which could have brought the Treasurer to the conclusion that a payment by the debtors of the State, making payment to the Treasurer of their indebtedness to the State, in the manner prescribed by law, was a payment, or a liquidation of State indebtedness. The section of the Funding Act of the present session adopts the term "liquidation," as synonymous with "payment;" so that, if any scrip or Controller's Warrants shall be presented for payment at the Treasury, the said Act requires that it shall be paid in the seven per cent. Bonds, as provided for in the fifth section of the Act, and in no other manner. The Committee, therefore, believe that there is no conflict in the sections referred to, and that for sales heretofore made, it is the duty of the Treasurer to receive in payment, agreeably to the law providing for the sale of the Water-Lot property in San Francisco, cash, or Civil Bonds, or Civil Warrants of the Controller; and when Civil Warrants of the Controller are presented to him for payment of State indebtedness in the form of Controller's Warrants, issued between 30th June, 1853, and 30th July, 1855, it is his duty to pay the same in Bonds bearing seven per cent interest, agreeably to the Act funding State indebtedness, passed the present year. The Committee, entertaining the views above stated, asked to be discharged from the further consideration of the matter.

J. W. TALIAFERRO,

Chairman.

Mr. Vineyard made the following report:

Mr. Speaker:

The select Committee, to whom was referred bill 293, for the relief of Joseph Marzen and Bernhardt Mayer, report the same back without amendment, and recommend its passage.

J. R. VINEYARD,
WM. GELLER,
F. AMYX,
E. A. STEVENSON,

Committee.

The bill reported above was placed on file.

Mr. Hunt made the following report :

Mr. Speaker :

The special Committee, to whom was referred two Assembly bills Nos. 189 and 262, in reference to a division of the State, beg leave to report : That they have carefully examined the subject, and report back Assembly bill No. 262, with an amendment, and recommend the adoption of the amendment and the passage of the bill.

HUNT,
Chairman.

The bills reported above was placed on file.

Mr. Moreland made the following report :

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed—

An Act to repeal an Act entitled an Act to regulate Rodeas, passed April 30, 1851, so far as the same relates to the County of Tulare ; also,

An Act to declare the Head of Navigation on Alameda river ; also,

An Act to extend an Act for the Protection of Game, passed May 1, 1852, to the Counties of Shasta and Trinity ; also,

An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854, and also,

Assembly Concurrent Resolution relative to a semi-monthly Land Mail from the City of Monterey, via. the Town of San Luis Obispo to the City of Santa Barbara, in this State.

MORELAND,
Chairman.

Mr. Edwards made the following report :

Mr. Speaker :

The Select Committee of five, appointed to draft a bill supplemental to and explanatory of An Act entitled an Act to fund the Indebtedness of the State, existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the thirtieth day of June, A. D. 1853, and the 1st day of July, 1855, passed March 16, 1855, have prepared, and direct me to report the accompanying bill, and recommend its passage.

EDWARDS,
Chairman.

The bill reported above was read first and second time, considered engrossed, read third time, and passed.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, March 27, 1855 }

To the Assembly of California :

I have this day approved the following Acts, which originated in the Assembly,
viz.

An Act concerning the Offices of Controllor and Treasurer of State

An Act amendatory of and supplementary to An Act entitled an Act to provide for the Incorporation of Towns, passed March 27, 1850.

JOHN BIGLER.

The resolution to print five hundred copies of the report of the Committee on Internal Improvements, laid over under the rule on yesterday, was taken up and lost.

Assembly bill No 152, An Act to provide for the Construction of a Line of Telegraph between the port of San Francisco and the eastern line of the State of California, at the place of location of the Pacific Line of Telegraph connecting with the same, was,

On motion of Mr. Watkins, laid on the table.

Assembly bill No. 148, An Act relative to the Safe-Keeping of the Public Monies—

A substitute was adopted.

Mr. Jones moved its reference to the Judiciary Committee, with instructions.

Not agreed to.

Mr. Johnston, of San Francisco, moved to lay on the table.

Not agreed to.

The bill was considered engrossed, read third time, and passed.

The following message was received from the Senate :

SENATE CHAMBER, March 27, 1855.

Mr. Speaker:

I am directed to inform the Assembly that the Senate have this day passed Assembly Concurrent Resolution in relation to the appointment of a committee on the part of the Assembly and Senate, to proceed immediately to San Francisco to provide for the temporary care of the indigent sick now remaining in the State Marine Hospital, with amendments, as shown therein, and in which the concurrence of the Assembly is respectfully solicited.

C. DICKINSON,
Secretary Senate.

Resolved, by the Assembly, the Senate concurring, That the Chairman of the Hospital Committee of the Senate and Assembly be authorized and requested to proceed immediately to San Francisco, and that, in conjunction with the Mayor of said city, in his capacity as President of the Board of Supervisors, and as Mayor of the city of San Francisco, for the temporary care of the indigent sick now remaining in the State Marine Hospital at charge of the State, until some permanent provision can be made—

Insert after the word State, in the eleventh line, the words “ not exceeding thirty days”—

Provided, That no arrangement shall be made for the admission of any new patients.

Senate amendment was concurred in.

Assembly bill No. 110, An Act supplementary to an Act entitled an Act to regulate Elections, passed March 23, 1850—

Substitute was adopted, considered engrossed, read third time, and passed

Assembly bill No. 245, An Act to protect the Owners of Growing Crops, Buildings, and other improvements in the Mining Districts of this State.

Considered engrossed, read third time, and passed.

Assembly bill No. 20, An Act to prohibit the carrying concealed Weapons.

Mr. Baker moved to indefinitely postpone the substitute offered by the Committee. Lost.

Mr. Oxley moved the previous question.

Sustained.

The question then was upon the indefinite postponement of the substitute.

Agreed to.

Mr. Amyx's substitute was adopted.

Upon its engrossment, Messrs. Oxley, Hosmer, and Cunningham of Sierra, demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Ashley, Bogardus, Brewton, Brown of Nevada, Burke, Cory, Chase, Clayton, Coombs, Covarrubias, Curtis, Dana, Douglas, Edwards, Farley, Foster, Ferguson, Geller, Gober, Hosmer, Kinney, Lincoln, McCurdy, Meredith, Moreland, Murdock, Oxley, Palmer, Rowe, Stevenson, Sherrard, Singley, Smith of Marin, Stewart, Updegraff, Vineyard, Waite, Wells, Whitney, and Mr. Speaker—42.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Baker, Beatty, Boles, Buffum, Cook, Cunningham of Sierra, Doughty, Ferrell, Flournoy, Gaver, Gragg, Hunt, Jones, Keys, McCutchan, Melius, Phelps, Quinn, Ryland, Stevens, Smith of El Dorado, Taliaferro, and Watkins—24.

Ordered engrossed.

Mr. Johnston, of San Francisco, was excused from acting on the Committee of Conference, and Mr. Stevenson was appointed in his stead.

The following message was received from the Senate :

SENATE CHAMBER, March 28, 1855.

Mr. Speaker:

I am directed to inform the Assembly that the Senate have this day passed Sen-

ate bill No. 150, entitled An Act to amend and supplementary to an Act entitled an Act to incorporate the City of Sacramento, passed March, 1851.

Respectfully submitted,

C. DICKINSON,
Secretary Senate.

Senate bill No. 150, was read first, second, and third time, and passed.

Mr. Jones, from the Committee of Conference, made the following report :

Mr. Speaker :

The Committee of Conference, on the disagreeing vote of the two Houses upon the bill to provide for the Indigent Sick of the Counties of this State, have had the same under consideration, and report that they have been unable to agree.

WILSON W. JONES,
GEO. P. JOHNSTON,
B. F. KEENE,
E. J. MOORE.

The following message was received from the Senate :

SENATE CHAMBER, March 28, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have this day, in consequence of the disagreeing vote of the Committee of Conference upon the bill to provide for the Indigent Sick in the Counties of this State, have discharged the same, and appointed a new Committee, consisting of Messrs. Kendall and Day, and respectfully ask for the appointment of a similar committee on the part of the House.

C. DICKINSON,
Secretary Senate.

On motion, the Committee of Conference was discharged.

Mr. Jones moved that Messrs. Kinney, and Johnson of El Dorado, be appointed the Committee, pending which,

On motion of Mr. Foster, the House adjourned at 3 o'clock, P. M.

IN ASSEMBLY.

THURSDAY, March 29, 1855.

House met pursuant to adjournment.

Speaker in the chair.

Roll called and the following members were absent :

Messrs. Johnston of San Francisco, Rodgers and Taylor.

Mr. Burke presented a remonstrance from citizens of Mariposa, against a division of the county.

Read and referred to Committee on Counties and County Boundaries.

Mr. Vineyard presented an account from the Sacramento City Water Works.

Read and referred to Committee on Accounts and Expenditures.

Mr. Ferrell introduced a bill for An Act to authorize the Board of Trustees of the City of San Diego to make Regulations to prohibit the Obstruction or placing of Rubbish or Filth in the Streets and Alleys of said City, known as Old San Diego, and for sweeping and cleaning the Plaza thereof.

Read first and second time and considered engrossed.

Read third time and passed.

Mr. Whitney, Chairman, made the following report :

Mr. Speaker :

The Committee on Corporations, to whom was referred Assembly bill No. 335, have had the same under consideration and have directed to report the same back to the House, without amendment, and most respectfully recommend its passage.

WHITNEY,
Chairman.

The bill above reported was placed on file.

Mr. Whitney, Chairman, made the following report :

Mr. Speaker :

The Committee on Corporations, to whom was referred the petition of Levi Miller and J. P. Springer, for an Act granting said petitioners the right of taking the water from Camel Creek, in Santa Clara county, for the purpose of irrigating, for cultivation, destroying squirrels, &c., have had the same under consideration and have directed me to report the same back to the House and most respectfully recommend its indefinite postponement.

WHITNEY,
Chairman.

Adopted.

Mr. Farley, Chairman, made the following report :

Mr. Speaker :

The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 69, An Act to organize the County of Suisun, out of a portion of the Territory of the County of Solano, have had the same under consideration, and, with what information the Committee were enabled to obtain in relation to said bill, they report the same back to the Assembly and recommend its indefinite postponement.

FARLEY,
Chairman.

Adopted.

Mr. Adkison verbally reported and recommended the passage of Senate bill No. 83, a bill for An Act to declare the Tenure of Land in the Mining Districts of this State.

Placed on file.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment presented to Governor Bigler, for his approval, yesterday, An Act to provide J. G. Stebbins, W. W. Stow and H. P. A. Smith with Duplicate Warrants lost or destroyed.

H. B. MEREDITH,
Chairman.

Mr. Moreland, Chairman, made the following report :

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed An Act supplemental to and explanatory of an Act entitled an Act to Fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of July, 1853, and the 1st day of July, 1855, passed March 16th, 1855.

MORELAND,
Chairman.

Mr. Kinney made the following report :

Mr. Speaker :

The Special Committee on State Prison, in obedience to the instructions of the Assembly requiring them, in conjunction with a special Committee appointed by the Senate, to visit the State Prison and examine into the condition and management of that institution, have performed that duty, and respectfully ask leave to make the following report:

In consequence of the various rumors which had obtained circulation in connection with the condition and management of the State Prison, your Committee deemed it their duty, after a personal inspection of the Prison and Prison

grounds, to call before them witnesses and make a thorough investigation as to the correctness of these rumors, and also to ascertain what was the cause of the numerous escapes of convicts from the Prison. We have also collected a great deal of testimony as to the profit or loss of the present lessee of the State Prison by the prison labor, and as to the possibility of making that institution support itself or become a source of revenue to those who are entitled to the labor of the prisoners. From this mass of testimony, your Committee are forced to the conclusion that the system at present practiced by the lessee is seriously objectionable, and wholly fails to accomplish the great object which should be aimed at by the establishment of a State Prison, namely, the certainty of punishment, according to our criminal code, and the moral reformation of the convict.

In consequence of the peculiar management of the convicts, and the police regulations of the Prison, it was difficult to obtain perfectly satisfactory evidence of the number of convicts now confined in the State Prison. We place the number, however, at three hundred and thirteen. The Inspectors estimate the number, at the date of their report of January 30, at two hundred and seventy-five, while the lessee, J. M. Estell, in his report to the Legislature, dated January 28, states the number as over three hundred. From this evidence, together with such information as we could gather at the Prison grounds, we set down the number as above stated. Since the visit of your Committee to the Prison, we are informed that about fifty new convicts have been received, making the number, at this time, three hundred and sixty-three. Near one half of these prisoners are worked at Marin Island, in the Bay of San Pablo, about two and a half miles from the Prison. The others are engaged at the Prison, and in running vessels to San Francisco, transporting stone and brick, and in getting wood from the hills with which to burn brick kilns. The convicts are required to labor from sunrise until sunset, except the time necessarily engaged in eating their meals.

Although there was some complaint among the convicts as to the kind and quality of food and clothing, yet your Committee believe that they have no just ground for complaint in this particular. The health of the convicts seemed to be remarkably good. In accordance with the provisions of an Act passed May 15, 1853, a Prison has been erected, with forty-eight cells on the second story, which, by the present arrangement of the lessee of confining four prisoners in a cell, will safely confine one hundred and ninety-two. The lower story is divided into an office, guard-room, and long room in which prisoners are confined. The Prison is a very substantial building, and altogether safe for the confinement of prisoners at night. Those engaged at work on Marin Island are confined at night on board of an old brig, which is firmly secured to the shore. Although not as securely confined at night as those at the Prison, yet their insular position banishes the idea of escape from their minds, unless they can get outside aid to procure boats with which to leave the island. Although a partially successful revolt occurred in December last, by which twenty-two prisoners secured a boat and escaped, yet we believe that with ordinary care the convicts can be more safely confined on this island than at the State Prison.

It would be exceedingly dangerous to keep all the convicts at the State Prison at the present time. There is prison room for but little more than half of them, and it is feared that so large a body of convicts thrown together, without sufficient means of confinement, would be the signal for a revolt, which, unless the guards be greatly increased, would, in all probability, be successful.

The lessee has under his employ about thirty men, who act as officers and guard. This number is not, in the estimation of your Committee, sufficient to suppress a revolt with certainty, and this number, when divided between the

Prison and the island, does not present that formidable appearance to the convict which would discourage them from any attempt at an outbreak. It is the custom of the lessee to send six, eight or ten prisoners to the woods to procure wood with but a single guard. Escapes frequently occur while out in these parties. Prisoners have been sent out from the Prison to work on a ranch with and without guard. But the most of the escapes are occasioned by the adoption of a system denominated the "trustie system." By this system a prisoner whose term of service is about expiring, or who has behaved well, or has been recommended to the lessee as a gentleman and a man of good standing and family, is permitted to do light work, to be kept separate from the mass of prisoners, to go on errands for miles in the country, on foot or on horseback, alone; to go to San Francisco; to sleep without the guard at the cook house, off the Prison grounds, and other liberties which are frequently taken advantage of to escape. It is believed that most who are now at large have escaped by this "trustie system." Although we are not prepared to entirely condemn the "trustie system" as such, yet it requires the exercise of the best judgment to know who to trust. It is sometimes advantageous to have some among the prisoners who will aid in giving information concerning rebellions and efforts at escapes, and to assist in suppressing revolts. The use of this system has been and may be serviceable, but it should be exercised with caution, and not to that extent that has been practiced in our State Prison.

There are few men who have been sentenced to the State Prison—no matter for what offense, no matter what may have been their former character—who, when an opportunity is offered them to escape by stepping on board of a ship bound from our shores, would not take advantage of it and thus regain their liberty. From the numerous escapes that have been effected under cover of this system in this State, we cannot but recommend that it be discontinued, as far as they are allowed to leave the Prison grounds, and that those selected within the Prison grounds should be selected with the greatest care.

The convicts at the Prison are engaged in making brick on grounds adjoining the Prison grounds, which are well adapted for the purpose, and under the control of General Estell. Those at Marin Island are engaged in quarrying stone from an excellent quarry, which, we understand, is owned by General Estell.

The Committee having ascertained the present market value of brick and stone in the City of San Francisco, and the quality that can be furnished by convict labor, are well satisfied that, with ordinary energy and judgment, the institution can be made not only a self-supporting institution, but even profitable. Yet the Committee are assured by the lessee that he has lost, by keeping the State prisoners under his present contract, \$127,000. These losses, he informs us, occurred in consequence of bad management in the prison matters, and that only in the last six months has he been able to make any profit on the prison labor. He has now favorable contracts for furnishing bricks and stone in the City of San Francisco, and that he has realized \$45,000 profit in the last six months.

From evidence, your Committee believe that, with ordinary care, a profit of one dollar per day to the convict may be realized, over and above all necessary expenses, such as food, clothing, guards, and working tools. Estimating the number of working convicts at three hundred, we have, by this calculation, \$1,800 per week, or \$97,200 clear profit per year. This calculation is made upon the supposition that favorable contracts can be made for the delivery of bricks and stone in the City of San Francisco, or at a place no further from the Prison.

The general management of the Prison, in the opinion of your Committee, is not such as it should be in order to secure the safety of the convicts. Many

regulations might be made, even under the present contract, which, we think, would insure more certainly the security of the convicts. The rules and regulations of the guard are not sufficiently systematic, nor are they sufficiently stringent upon the guard and officers. Liquor has been used to excess among the guard and officers. Prisoners themselves have been allowed liquor by the guard in some instances. The convicts are not required to dress in uniform, but to retain the clothes worn by them when brought to the Prison; so it is difficult to distinguish a convict from one of the guard. Their heads are not required to be shaved regularly, nor are they required to change their clothes as often as cleanliness would require. We believe that if a system of uniformity of dress (which, by its peculiarity, would attract attention) would, if adopted, tend to prevent escapes; and if the heads were required to be shaved once a week, the escaped convicts would be recognized, and their arrest would be facilitated. It is proper to remark, however, that so far as these rules affect the police regulations of the Prison, their establishment was the duty of the Inspectors of the State Prison, and the lessee would have been compelled to comply with them. In consideration of these numerous defects in the government and discipline of the Prison, by which so many escapes were effected, and, also, in consequence of want of sufficient room at the Prison and Prison grounds, by which the convicts could be made secure, we made it a part of our duty to investigate the remedy the State might have to correct themselves, retaining the contract with General Estell, the present lessee, or by dissolving the present connection between the lessee and the State and making such radical improvements both in discipline and buildings, as will protect our citizens and insure the security of the convicts.

The law of 1851, made General J. M. Estell and M. G. Vallejo the lessees of the State Prison for ten years. In 1852 the Legislature, by a special Act, released M. G. Vallejo and made J. M. Estell the sole lessee under the Act of 1851, upon his filing his bond in the office of the Secretary of State to be approved by the Governor, in the sum of \$100,000; which conditions the said Estell has complied with. A copy of said bond is herewith reported, marked "Exhibit A." The said law of 1851 is a contract entered into between the State and the lessee, and the law regulating the construction of contracts generally must apply to this. By this law the lessee has, for ten years, the sole charge of the convicts sentenced to the State Prison. He is required to "feed and clothe the prisoners, and pay all other necessary expenses, as that for guards and tools to work with; to prepare suitable temporary buildings upon the grounds herewith leased, or shall have suitable and secure prison ships or vessels, properly arranged for the health and security of the convicts, until the State shall build the State Prison." It then, in a provision to the seventh section, states that "this Act shall not be so construed as to confine the labor of the prisoners within the walls of said Prison, or to any particular place or labor."

We believe that the Legislature is bound to the contract as it is made; that the Legislature has no right to alter or change that contract in any material point, so as to require any additional expense in keeping prisoners, or by which their labor would be made more unprofitable to the lessee without the consent of said lessee. That if the lessee had violated the contract so as to work a forfeiture of the contract, that we could not, by a legislative Act, annul said contract, but that our remedy would be entirely judicial. In order to satisfy ourselves more perfectly as to the correctness of these positions, we addressed a series of interrogatories to the Attorney General, and received an answer from him in which he sustains the position above laid down. The communica-

tion of the Attorney General is reported as exhibit B, and made a part of this report.

From the construction placed upon the statutes of 1851, your Committee are not satisfied, from the evidence, that the lessee has violated his contract in so material a point as to work a forfeiture before any court of justice, but from the peculiar wording of the statute it seemed to be the object of the Legislature to give every advantage to the lessee, in order to enable him to keep the prisoners safely, and at the same time to make it a source of profit to himself. We are of the opinion, therefore, that the Legislature could not compel the lessee to clothe the convicts in uniform, or shave their heads, or increase or in any way regulate the guards, or require any additional temporary building, or forbid the "trustie system," or require him to work the prisoners within the prison walls or on the prison grounds.

In view of all these positions, and the great necessity that exists for additional buildings on the State Prison grounds, for the safety and security of the convicts, your Committee have concluded to recommend to the Legislature to buy the said lease from the said James M. Estell. In answer to a resolution adopted by the Committee, the said lessee agrees to sell his said lease to the State for the sum of \$100,000, which proposition we submit to the Legislature and recommend that it be accepted, and that a bill prepared by the Committee and herewith reported for that purpose, be passed.

We are induced to make this recommendation for the following reasons: The urgent necessity for additional prison room is not only apparent to your Committee, but to the whole community; it is required by every consideration of reason and justice. As the convicts now are, they may at any time, by a successful revolt, be cast loose upon society, and the probability of their escape is so apparent to the citizens of the county adjoining the prison, that they live in constant fear, and as testimony shows, the price of real estate in the surrounding country has been materially reduced in consequence thereof.

The lessee cannot, in our opinion, be compelled to build additional buildings on the prison grounds; it remains, therefore, the duty of the State to build this additional prison room. To make an appropriation and let out the building of said prison by contract, would, in the estimation of your Committee, require the sum of at least three hundred and fifty thousand dollars.

While we recognize the necessity of these improvements, we are not prepared, in the present exhausted state of our Treasury, to recommend so large an outlay of money, but by the purchase proposed the State becomes again the sole owner of the prison labor, which, under proper management, can and should be required to do this work, thereby saving to the State a very great outlay of treasure. From the report of the Inspectors, we are informed that there is every kind of mechanics among the convicts, and some as well skilled in mechanism as can be found outside of the prison walls. Under a system which your Committee is now prepared to recommend, this convict labor will be applied to the erection of these additional prisons, and their completion effected as soon by this means as by letting it out by contract, and certainly at not more than one-third of the expense. We, also, in accordance with the proposition of the lessee above referred to, recommend that the property attached to the prison, and necessary to the labor of the convicts, be purchased at a price to be affixed by appraisers, two appointed by the Legislature and one by the lessee, payable in brick and stone in San Francisco, at market prices.

The property here referred to consists of the necessary working tools for blasting and dressing stone, brick machinery, machine shop and steam engine, together with sixteen acres of land lying adjacent to the prison grounds, and upon which is situated the brick yard and dining room for the convicts, with

other necessary buildings thereon. This purchase we deem necessary to the successful and convenient working of the convicts.

Should the plan here suggested by the Committee be adopted, and the convicts of the State Prison be placed under the supervision of a warden or superintendent, we would not recommend that all the prisoners be removed forthwith to the prison ground, for fear of an outbreak, but that one-half be engaged elsewhere in making bricks and quarrying stone, with which to pay for the property purchased in accordance with the agreement made with the lessee in the resolution and answer above referred to, which said resolution and answer is herewith submitted, marked exhibit C.

Your Committee, in the course of their investigation, made some inquiry concerning the title the State has to the twenty acres of land on Point San Quentin, on which the Prison is located, purchased from B. R. Buckalew, in pursuance to an Act passed May 1, 1852, depends on a Mexican grant, which said grant has not yet been confirmed, but are assured by the lessee that if said grant should not be confirmed, that he holds the pre-emption claim to the same, and that he will make a title to the State as soon as a title from the General Government can be obtained. Although we do not believe the location as good as might have been selected, yet, after so large an outlay of money as has been expended upon that ground, we are not disposed to recommend a removal of the prison, if good title can be obtained to the land purchased of Mr. Buckalew.

The Committee are preparing bills in connection with the prison and concerning the future government of that institution, which bills they will present as soon as the bill herewith reported shall have passed.

All of which is most respectfully submitted,

JNO. T. CRENSHAW,
Chairman Senate Committee.

G. W. COLBY.

ASA KINNEY,
Chairman Assembly Committee.

E. J. CURTIS,
WM. A. DANA,
H. P. A. SMITH.

B. C. WHITING,
Chairman Select Committee.

S. DAY,
H. P. HEINTZELMAN.

EXHIBIT A.

Know all men by these presents, that we, James M. Estell as principal John McDougal, John S. Fowler, Martin E. Cook and B. Frank K securities, are held and firmly bound unto the people of the State of C in the sum of one hundred thousand dollars; to the payment of which, truly to be made, we bind ourselves, our heirs, executors and

severally and jointly, firmly by these presents, sealed with our seals, and dated this fourth day of May, A. D., 1852.

Now the condition of the above obligation is such, that, whereas, by an Act approved April 10, A. D., 1852, it is provided that the above mentioned James M. Estell shall be constituted sole lessee of the prison, prison grounds and prisoners of the State, according to the terms and condition of "An Act providing for the securing the State Prison Convicts," approved April twenty-fifth, one thousand eight hundred and fifty-one, upon his filing a bond with the same sureties and the same conditions as the bond required by the Act last aforesaid.

Now, if the said James M. Estell shall faithfully perform all the duties of such lessee as required by law, and shall hold the State free from every expense for the subsistence, clothing, security and safe-keeping of State Prison Convicts during the continuance of such lease, then the above obligation to be void otherwise to be and remain in full force and effect.

JAMES M. ESTELL,	[L. S.]
JOHN M. McDOUGALL,	[L. S.]
MARTIN E. COOK,	[L. S.]
JOHN S. FOWLER,	[L. S.]
B. FRANK KEENE.	[L. S.]

Approved May 5, 1852.

JOHN BIGLER.

A true copy from the original.

J. W. DENVER,
Secretary of State.

EXHIBIT B.

ATTORNEY GENERAL'S OFFICE, }
March 12, 1855. }

Hon. J. T. Crenshaw, Chairman Senate State Prison Committee:

SIR:—

Your communication of the 8th inst, containing the following questions for my official consideration and answer, is before me.

First. Has the lessee of the State Prison the right under the contract made with the State, to work the prisoners at Monterey, at Mariposa, or at any place away from the prison or the prison grounds, or to send them on errands.

Second. In case of a violation of the contract on the part of the lessee can the Legislature, by an Act, declare the contract forfeited, or is the remedy entirely judicial?

Third. Can the Legislature, by Act, in any manner compel the lessee to clothe the convicts in uniform, or prescribe the kind and quantity of clothing or food, or establish regulations of the prison by which the price of keeping prisoners would in any manner be increased?

Fourth. Can the Legislature in any manner amend the law of 1851 so as to amend the present lessee under that law, to work the prisoners in the State prison or on the State Prison grounds?

The Act providing for "securing the State Prison Convicts," passed April 25, 1851, is a contract between the State and the lessee of the State Prison, and must be construed by the ordinary rules of construction applicable to contracts. It is liable to the objection of being loosely drawn, and apparently contradictory. The spirit of the Act being, as I conceive, repugnant to its letter.

It is scarcely probable or possible that the framers of the law intended that the lessee should have the privilege of transporting State prisoners to any great distance from the prison grounds and there work them; yet a literal construction of the proviso of section seven of the Act would give him that power. This construction, however, I conceive, would render inoperative and nugatory all the other provisions of the Act, for what would be the necessity for a State Prison, located at a particular point, wherein to confine prisoners, if the lessee can remove and keep them at any place in the State, with no guaranty for their safe keeping but his own discretion.

One of the most obvious and wholesome rules of construing statutes, is to put such construction on them "that one clause shall not frustrate and destroy, but on the other hand, explain and support another; sound exposition requiring effect to be given to every significant clause, sentence or word in a statute."

Applying this rule in the present case, I am of the opinion that the proviso referred to, means no more than that the lessee shall not be compelled to work the prisoners in the prison or even in the prison grounds, but shall have the power to work them at such a distance from the grounds as shall be consistent with their safe confinement. What is such a distance, is a question more for the consideration of the parties to the contract than for mine.

In reply to your second inquiry, I am clearly of the opinion that the Legislature has no power to repeal the Act, and declare the contract at an end, without the consent of the lessee.

It is a contract of the most solemn character, by which the State is as much bound as an individual would be in a similar case. It has been partly performed, and is continuing to be performed.

The question whether the lessee has performed the conditions imposed on him by the Act, is strictly a judicial one, and as the Legislature has, under our Constitution, no judicial powers, an Act declaring the contract rescinded, would have no other efficacy than as a mere expression of opinion by that body. Whether a court of equity would, upon a suggestion of non-compliance with the conditions of the Act, be warranted in decreeing a rescission of it, is a question I do not think is embraced in your inquiries, and, therefore, I will not give any opinion upon it.

As to your third inquiry, I am of the opinion that, under the seventh section of the Act, the inspectors have ample power to make such regulations about clothing, food, etc., as shall be necessary for the health, safe-keeping, and cleanliness of the prisoners, subject to the proviso referred to above. This power of the inspectors is delegated to them by the Legislature, but the Act of delegation itself is a part of the contract, and cannot be rescinded by the State without the consent of the lessee.

I do not think the Legislature has the power in any manner to change the law in a material point, or to impose any duties on the lessee, not contemplated by the Act as it originally passed, without his consent.

The remedy for the State is either by a suit on the bond given by the lessee to secure the faithful performance of his duties, or by a bill in equity (provided the courts will entertain it) to procure a rescission of the contract.

M. CONNELL,
Attorney General.

EXHIBIT C.

Resolved, That John T. Crenshaw, a member of this Committee, be authorized to state to James M. Estell—

First. That the Committee on behalf of the State cannot give any encouragement that the State will accept his proposition, dated March 16, 1855, made by him.

Second. That the Committee will recommend to the two branches of the Legislature to purchase the State Prison contract, and pay therefor one hundred thousand dollars, in State bonds, payable in ten years from the date of their issue, with semi-annual interest at the rate of seven per cent. per annum.

Also, that the State purchase the sixteen acres of land belonging to the brick yard, the engine, brick machinery, and other valuable improvements, at their appraised value, to be appraised by three Commissioners, one Commissioner to be appointed by General Estell, and the other two to be elected by a joint convention of the two branches of the Legislature. All this property to be paid for by the State in brick and stone manufactured or worked by the convicts, to be delivered at San Francisco at market prices.

B. C. WHITING.

SACRAMENTO CITY, March 18, 1855.

Chairman Committee on State Prison:

SIR:—

In answer to your communication of yesterday, I will say I could, by a sale to other parties, or by hiring out the prisoners to contractors, make a much larger amount of money than by the acceptance of the terms proposed by the Committee; but I am fully persuaded the convicts cannot be kept safely with the present means for their confinement.

If the Committee would recommend an appropriation to build the Prison and Prison walls, I would greatly prefer holding the present contract; but, having been assured by yourself there is no probability of such a recommendation, and fearing, from the exposed condition of the Prison, a successful revolution might occur whilst I am responsible, I am compelled, reluctantly, to accept the terms proposed to be recommended by the Committee in Mr. Whiting's resolution.

I am, very respectfully, yours,

J. M. ESTELL,
Lessee State Prison.

The above report and the accompanying bill were ordered printed.
The bill was read first and second time and ordered on file.

The following message was received from the Senate :

Mr. Speaker:

I am directed to inform the Assembly that the Senate have this day passed the following bills as substitutes for Assembly bill No. 137 :

An Act for the Relief of persons therein named.

Senate bill No. 146, An Act for the Relief of Abraham F. Melvine.

Also, Senate bill No. 147, An Act for the Relief of Addison Mentine.

Also, Senate bill No. 148, An Act for the Relief of Messrs. Knox and Farquharson.

Also, Assembly bill No. 97, An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

Also, Assembly concurrent resolution relative to payment of pensions.

Respectfully submitted,

C. DICKINSON,

Secretary of Senate.

Senate bill No. 146, reported above, was read first and second time, and, on motion, the rules were suspended and the House went into Committee of the Whole, Mr. Farwell in the chair, to consider the bill.

The Committee rose, reported the bill back to the House, recommended its passage and were discharged.

The bill being put upon its passage, Messrs. Johnson of El Dorado, Cammet and Adkison demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Adkison, Baker, Beatty, Bogardus, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Chase, Clayton, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Dana, Doughty, Farley, Farwell, Ferrell, Flournoy, Foster, Gaylord, Gober, Gragg, Hosmer, Hunt, Keys, Kinney, Lincoln, McCutchan, McConnell, McCurdy, Mellus, Meredith, Murdock, Palmer, Phelps, Quinn, Stevens, Sherrard, Singley, Smith of Marin, Stewart, Taliaferro, Updegraff, Vineyard, Watkins, Waite, Wells, Whitney, Mr. Speaker—54.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Ashley, Brown of Contra Costa, Cory, Cook, Johnson of El Dorado, Moreland, Stevenson, Smith of El Dorado—9.

So the bill passed.

Senate bill No. 147, above reported, was read first and second time, and, on motion, the rules were suspended and the House resolved itself into Committee of the Whole to consider the bill, Mr. Taliaferro in the chair.

Committee rose, reported the bill back without instructions and were discharged.

The bill was read a third time and passed.

Senate bill No. 148, as reported above, was read first and second time, and, on motion, the rules were suspended and the House resolved itself into Committee of the Whole, Mr. Taliaferro in the chair.

The Committee rose, reported the bill back to the House, recommending its passage, and were discharged.

The bill was read a third time and passed.

On motion of Mr. Flournoy, Assembly bill No. 63, An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, passed May 15, 1854, and the substitute reported from the select Committee, was adopted.

Considered in Committee of the Whole, Mr. Gober in the chair.

Amended and recommitted to select Committee of seven—Messrs. Stevenson, Ryland, Cory, Ashley, Wells, Watkins and Kinney.

Mr. Cunningham of Sierra moved to adjourn.

Not agreed to.

Mr. Kinney, from Committee on Free Conference, made the following report :

Mr. Speaker :

The Committee of Free Conference, appointed by the Senate and Assembly, upon the disagreeing vote of the two Houses on the bill to provide for the Support of the Indigent Sick of the Counties of this State, report that we have had the same under advisement and recommend the adoption of the following substitute for the Assembly substitute for section second of the bill, and unanimously recommend its passage.

THOS. KENDALL,
S. DAY,

Of Senate.

ASA KINNEY,
J. C. JOHNSON,

Of Assembly.

The report of the Committee was adopted.

Mr. Oxley moved to adjourn, upon which,

Messrs. Oxley, Jones and McCurdy demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Bogardus, Cunningham of Sierra, Hunt, Jones, McCutchan, McCurdy, Murdock, Oxley, Singley, Smith of El Dorado, Updegraff—12.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Ashley, Adkison, Baker, Brewton, Brown of Contra Costa, Burke, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Gober, Gragg, Hosmer, Johnson of El Dorado, Keys, Kinney, Mellus, Meredith, Moreland, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Watkins, Waite, Wells, Whitney, Mr. Speaker—45.

So the House refused to adjourn.

On motion of Mr. Watkins, Senate message was taken up, pending the reading of which,

On motion of Mr. Stevenson, at 3 o'clock P. M., the House adjourned.

IN ASSEMBLY.

FRIDAY, March 30, 1855.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and Mr. Rodgers was absent :

Journal of yesterday was read and approved.

The following message was received from the Senate :

SENATE CHAMBER, March 29, 1855.

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on yesterday, pass Senate bill No. 156, An Act to legalize certain Records in Nevada County.

Also, Senate bill No. 149, An Act to prohibit Public Gambling.

Also, concurred in Assembly amendment to Senate bill No. 146, An Act for the Relief of Abraham J. Melvine.

Also, Assembly bill No. 336, An Act supplemental to and explanatory of an Act entitled an Act to Fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of July, 1853, and the 1st day of July, 1855, passed March 16th, 1855.

C. DICKINSON.

Secretary Senate.

Senate bill No. 156, An Act to legalize certain Records in Nevada County.

Read first, second and third times and passed.

Senate bill No. 149, An Act to prohibit Public Gambling.

Read first and second time and referred to select Committee of five—Messrs. Hosmer, Farwell, Jones, Adkison, and Cunningham of Sierra.

The following message was received from the Senate :

SENATE CHAMBER, March 29, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on the 27th inst., pass Assembly bill No. 8, An Act to amend an Act concerning Crimes and Punishments, passed April 16th, 1850.

Also, Senate bill No. 97, An Act to authorize the Board of Supervisors of San Francisco County to allow and settle the Claim arising out of the Purchase of certain Property in said County, known as the Laffan and Gillespie Purchase.

C. DICKINSON,
Secretary of Senate.

Senate bill No. 97, a bill for An Act to authorize the Board of Supervisors of San Francisco County to allow and settle the Claim arising out of the Purchase of certain Property in said County, known as the Laffan and Gillespie Purchase.

Read first and second time and laid on the table.

The following message was received from the Senate :

SENATE CHAMBER, March 29, 1855.

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on yesterday, concur in the substitute reported by the Committee of Conference on Assembly bill No. 38, An Act to amend an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 15, 1854.

C. DICKINSON,
Secretary of Senate.

Assembly bill No. 38, An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice in this State and Judicial Officers, passed May 15, 1854.

Senate amendments amended and concurred in.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, March 29, 1855. }

To the Assembly of California :

I have this day approved the following Acts, which originated in the Assembly, viz :

An Act to amend an Act entitled an Act amendatory of and supplementary to the Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854.

An Act to provide J. G. Stebbins, W. W. Stow and H. P. A. Smith with Duplicate Warrants in lieu of certain Warrants lost or destroyed.

JOHN BIGLER.

The following message was received from the Senate :

SENATE CHAMBER, March 29, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on yesterday, pass the following :

Assembly joint resolution No. 5, relative to the establishment of Mail Routes in Klamath and Siskiyou Counties.

Also, Assembly bill No. 25, An Act to authorize the Board of Supervisors in and for the County of Sutter to levy a Special Tax for the erection of Public Buildings in said County.

Also, Assembly bill No. 17, An Act prescribing the Manner of electing United States Senators.

Also, Senate bill No. 56, An Act to authorize the Controller of State to issue a Duplicate Warrant to S. H. Marlette.

Also, Senate bill No. 134, An Act amendatory of an Act to provide for the Sale of the Interest of the State of California in the Property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled An Act to provide for the Disposition of certain Property of the State of California, (passed March 26, 1851) passed May 18, 1853.

C. DICKINSON.

Secretary of Senate.

Senate bill No. 134, An Act amendatory of an Act entitled an Act to provide for the Sale of the Interest of the State of California in the Property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled An Act to provide for the Disposition of certain Property of the State of California, (passed March 26, 1851) passed May 18, 1853.

Read first and second time and referred to Committee on Public Lands.

Senate bill No. 56, An Act to authorize the Controller of State to issue a Duplicate Warrant to S. H. Marlette.

Read first and second time and referred to Committee on Accounts and Expenditures.

Assembly bill No. 38, An Act to amend an Act entitled an Act amendatory of and supplementary to an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 15, 1854.

Mr. Watkins moved to re-commit to Committee of Conference.

Agreed to.

Assembly bill No. 8, An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850.

Senate amendments amended and concurred in.

Mr. Douglas introduced the following resolution :

Resolved, That no member shall be allowed to speak more than five minutes upon any pending question.

Adopted.

Senate bill No. 46, An Act concerning the Duties of County Treasurer.

Read third time and passed.

Senate bill No. 59, An Act to provide for certifying and removing certain Cases from the Courts of this State to the United States Circuit Courts, and to remove, by Writ of Error, certain Cases from the Supreme Court of this State to the Supreme Court of the United States.

Read third time.

Messrs. Watkins, Gober and Ashley demanded the ayes and noes on the passage of the bill, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Ashley, Baker, Bogardus, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Cammet, Cory, Chase, Clayton, Coombs, Cook, Cunningham of Sierra, Dana, Douglas, Edwards, Farley, Farwell, Foster, Ferguson, Gaylord, Gober, Gragg, Hosmer, Johnson of El Dorado, Keys, Kinney, Lincoln, McCutchan, McConnell, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Ryland, Stevens, Stevenson, Sherrard, Singley, Updegraff, Wells and Mr. Speaker—48.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Beatty, Buffum, Cunningham of El Dorado, Geller, Quinn, Taylor, Vineyard, Watkins—9.

So the bill was passed.

Mr. Kinney moved to reconsider the vote.

Not agreed to.

Assembly bill No. 273, An Act amendatory of an Act entitled an Act to Incorporate Crescent City, passed April 13, 1854.

Committee amendments adopted.

Considered engrossed, read third time and passed.

Assembly bill No. 108, An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Committee amendments adopted and bill ordered engrossed.

Assembly bill No. 2, An Act to divide the State of California into Congressional Districts.

House resolved itself into Committee of the Whole to consider the bill, Mr. Farwell in the chair.

Mr. Flournoy moved that the Committee rise, report, and recommend the indefinite postponement of the bill.

Not agreed to.

Committee rose and reported without recommendation.

Mr. Kinney offered the following amendment, substitute for section third.

Section third. This Act shall take effect from and after the first day of January, 1856.

Mr. Flournoy moved a call of the House, which was sustained.

The following members were absent :

Messrs. Cammet, Dana, Doughty, Knox, Mellus and Rodgers.

Mr. Kinney moved to suspend further proceedings under the call.

Agreed to.

Mr. Stevenson moved to strike out the enacting clause of the bill, upon which,

Messrs. Gober, Buffum and Arrington demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Brewton, Brown of Nevada, Burke, Chase, Covarrubias, Cunningham of Sierra, Ferrell, Flournoy, Foster, Gaver, Geller, Hunt, Jones, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Vineyard and Watkins—30.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Brown of Contra Costa, Buffum, Cammet, Clayton, Coombs, Cook, Cunningham of El Dorado, Dana, Douglas, Edwards, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Johnson of El Dorado, Keys, Kinney, Lincoln, McCurdy, Meredith, Moreland, Murdock, Oxley, Phelps, Ryland, Sherrard, Updegraff, Waite, Wells, Whitney and Mr. Speaker—38.

So the motion was not agreed to.

Messrs. Buffum, Gober and Oxley demanded the ayes and noes upon Mr. Kinney's amendment, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Brown of Nevada, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Flournoy, Foster, Gaver, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Vineyard, Watkins and Wells—33.

Those who voted in the negative were—

NOES.

• Messrs. Andrews, Arrington, Ashley, Adkison, Brewton, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Dana, Douglas, Edwards, Farley, Farwell, Ferguson, Gaylord, Geller, Gober, Gragg, Hosmer, Hunt, Keys, Lincoln, McCurdy, Meredith, Moreland, Murdock, Oxley, Phelps, Rowe, Sherrard, Updegraff, Waite, Whitney and Mr. Speaker—36.

So the amendment was lost.

Mr. Flournoy moved to lay the bill on the table, whereupon,

Messrs. Buffum, Farwell and Oxley demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Brewton, Brown of Nevada, Chase, Covarrubias, Cunningham of Sierra, Ferrell, Flournoy, Foster, Gaver, Geller, Hunt, Jones, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Vineyard and Watkins—29.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Clayton, Coombs, Cook, Cunningham of El Dorado, Dana, Douglas, Edwards, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Johnson of El Dorado, Keys, Kinney, Knox, McCurdy, Meredith, Moreland, Murdock, Oxley, Phelps, Ryland, Sherrard, Updegraff, Waite, Wells, Whitney, and Mr. Speaker—40.

So the motion was lost.

Mr. Buffum moved to consider the bill engrossed.

Mr. Flournoy offered the following amendment :

“ Provided, that the first election under the provisions of this Act shall be held on the first Tuesday of November, 1856.”

Mr. Farwell moved the previous question.

Not sustained.

The question being upon the amendment of Mr. Flournoy, Messrs. Buffum, Dana and Adkison demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Bates, Beatty, Brewton, Brown of Nevada, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Ferrell, Flournoy, Foster, Gaver, Geller, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Vineyard, Watkins and Wells—34.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Edwards, Dana, Douglas, Farley, Farwell,

Ferguson, Gaylord, Gober, Gragg, Hosmer, Johnson of El Dorado, Jones, Keys, Lincoln, McCurdy, Meredith, Moreland, Murdock, Oxley, Phelps, Ryland, Sherrard, Updegraff, Waite, Whitney and Mr. Speaker—35.

So the amendment was lost.

Mr. Wells offered the following amendment :

“This Act shall take effect from and after the first of December, 1855.”

Mr. Flournoy, moved to adjourn, whereupon,
Messrs. Buffum, Dana and McCurdy demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Brewton, Brown of Nevada, Chase, Coombs, Covarrubias, Cunningham of Sierra, Flournoy, Foster, Gaver, Geller, Palmer, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Vineyard—22.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Adkison, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Clayton, Cook, Cunningham of El Dorado, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Hunt, Johnson of El Dorado, Jones, Keys, Kinney, McCutchan, McConnell, McCurdy, Meredith, Moreland, Murdock, Oxley, Phelps, Quinn, Rowe, Sherrard, Taliaferro, Updegraff, Watkins, Waite Wells, Whitney, Mr. Speaker—47.

So the motion was lost.

Mr. Farwell moved the previous question, which the Chair decided to be in order.

Mr. Smith of Marin appealed from the decision of the Chair.

The decision of the Chair was sustained.

Mr. Stevenson moved to lay the previous question on the table, which the Chair decided out of order.

Mr. Stevenson appealed from the decision of the Chair.

The decision of the Chair was sustained.

The question being upon Mr. Farwell's motion for the previous question,

Messrs. Stevenson, Cunningham of Sierra and Kinney demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Ashley, Adkison, Brown of Contra Costa,

Buffum, Burke, Cammet, Cory, Clayton, Cook, Cunningham of El Dorado, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Hunt, Johnson of El Dorado, Jones, Keys, Kinney, Lincoln, McCurdy, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Rowe, Sherrard, Taliaferro, Updegraff, Watkins, Waite, and Whitney—44.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Baker, Beatty, Bogardus, Brewton, Brown of Nevada, Chase, Coombs, Covarrubias, Cunningham of Sierra, Flournoy, Foster, Gaver, Geller, McCutchan, Quinn, Stevens, Stevenson, Smith of El Dorado, Smith of Marin, Stewart, Vineyard, and Wells—23.

So the previous question was sustained.

Messrs. Gober, Dana and Buffum demanded the ayes and noes on Mr. Wells' amendment, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Baker, Beatty, Bogardus, Brewton, Brown of Nevada, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Ferrell, Flournoy, Foster, Gaver, Geller, Johnson of El Dorado, Jones, Kinney, McCutchan, McConnell, Palmer, Quinn, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Vineyard, Watkins, and Wells—38.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Adkison, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Dana, Douglas, Edwards, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Hunt, Keys, Lincoln, McCurdy, Meredith, Moreland, Murdock, Oxley, Phelps, Sherrard, Updegraff, Waite, and Whitney—33.

So the amendment was adopted.

On the engrossment of the bill,

Messrs. Kinney, Smith of Marin and Stevens demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Ashley, Adkison, Beatty, Bogardus, Brown of Contra Costa, Brown of Nevada, Burke, Cammet, Cory, Chase, Clayton, Coombs, Cook, Cunningham of El Dorado, Dana, Douglas, Doughty, Edwards, Farley, Ferrell, Flournoy, Foster, Geller, Gragg, Johnson of El Dorado, Keys, Kinney, Lincoln, McCutchan, McConnell, Moreland, Murdock, Palmer, Quinn,

Rowe, Stevens, Sherrard, Smith of Marin, Stewart, Watkins, Wells, Whitney,
Mr. Speaker—45.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Baker, Brewton, Buffum, Cunningham of Sierra, Farwell, Ferguson, Gaver, Gaylord, Gober, Hosmer, Hunt, Jones, McCurdy, Mellus, Oxley, Phelps, Stevenson, Singley, Smith of El Dorado, Taliaferro, Updegraff, Vineyard, Waite—24.

So the bill was ordered engrossed.

Mr. Farwell gave notice that he would move, on to-morrow, a reconsideration of the vote just taken.

On motion of Mr. Douglas, the House adjourned, at three o'clock P. M.

IN ASSEMBLY.

SATURDAY, March 31, 1855.

House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called, and the following members were absent :

Messrs. Rodgers, Mellus, and Taylor,

On motion, Mr. Mellus was granted leave of absence for two days.

The Journal of yesterday was read, corrected, and approved.

On motion, Mr. Scobey, Assistant Clerk of Assembly, was granted leave of absence for two days

Mr. Waite introduced a bill in pursuance to notice, for An Act to amend an Act to authorize the Formation of Corporations for the Construction of Plank or Turn-pike Roads, passed May 12, 1853.

Read first and second time, and referred to the Committee on Corporations.

Mr. Buffum introduced a bill for An Act granting to Horace Cole and Frank F. Fargo, or their assigns, the privilege of laying Water Pipes across the Bay of San Francisco.

Rule suspended, read first and second time, and referred to San Francisco delegation.

Mr. Ferrell verbally reported Assembly bill No 190, with a substitute, An Act to amend an Act regulating Elections, passed March 23, 1850.

Placed on file.

Mr. Ryland made the following report :

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 329, have directed me to report back a substitute for said bill, and to recommend its passage.

C. T. RYLAND,

Of Committee.

Assembly bill No. 329, above reported, An Act entitled an Act to prevent frauds in re-packing, marking, and vending Flour—

Placed on file.

Mr. Ryland verbally reported Assembly bill No. 343, a bill for An Act to amend an Act for regulating Civil Cases in Courts of Justice of this State.

Read first and second time, rule suspended, read third time, and passed.

Mr. Douglas verbally reported Assembly bill No. 242, An Act to fund the Debt of the County of San Diego, and provide for the payment of the same.

Considered engrossed, read third time, and passed.

Mr. Edwards made the following report :

Mr. Speaker :

The Committee on the Judiciary report that they have considered Assembly bill No. 307, entitled An Act to provide for the payment of Claims against the State approved by the Legislature, and as they are of opinion that the subject matter does not properly belong to this Committee, they respectfully recommend that it be referred to the Committee on Accounts and Expenditures.

They have also considered Assembly bill No. 332, entitled An Act to amend an Act entitled an Act to fix the times for holding the Terms of the District Courts throughout this State, passed May 18, 1853, and recommend its passage without amendment.

EDWARDS,

Chairman.

Assembly bill No. 307, above reported, An Act for the payment of Claims against the State approved by the Legislature—

Committee recommendations concurred in.

Mr. Flournoy, Chairman Committee of Conference, reported Assembly bill No. 332, An Act to amend an Act entitled an Act to fix the times of holding the District Courts in this State, passed May 18, 1853.

Passage recommended, and placed on file.

Mr. Smith introduced a bill for An Act to prohibit the Sale of Ardent Spirits within two miles of the State Prison.

Read first and second time, considered engrossed, read third time, and passed.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled,

An Act to authorize H. Henderson, John Dooling, R. Thompson, and such others as they may associate with them, to construct a Wagon Road from Eureka, in Nevada County, to the Truckee Meadows, east of the Sierra Nevada Mountains ; also,

An Act to discharge the Board of Examiners of War Claims from further duties ; also,

An Act to authorize the Funding of the outstanding Stockton City Scrip ; also,

An Act to prevent the Trespassing of Animals upon Private Property ; also,

An Act authorizing the Commissioners of the Funded Debt of the County of Tuolumne to re-issue certain Bonds to John Dwinelle ; also,

An Act supplemental to and explanatory of an Act entitled an Act to fund the Indebtedness of the State existing in the form of State Controller's Warrants, drawn upon the Treasurer of State, between the 30th day of July, 1853, and the 1st day of July, 1855, passed March 16, 1855.

H. B. MEREDITH,

Chairman.

Mr. Moreland made the following report :

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed :

An Act to authorize the Board of Trustees of the City of San Diego to make regulations to prohibit the obstruction or placing of rubbish or filth, or slaughtering of animals, in the streets and alleys of that part of said city known as old San Diego, and for sweeping and cleaning the Plaza thereof.

MORELAND,

Chairman.

Mr. Moreland made the following report :

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed :

An Act supplementary to an Act entitled an Act to regulate Elections, passed March 23, 1850 ; also,

An Act relating to the Safekeeping of the Public Moneys ; also,

An Act to prohibit the carrying, and to prevent the improper and criminal use of Deadly Weapons ; also,

An Act supplementary to and amendatory of an Act entitled an Act concerning Conveyances, passed April 16, 1851 ; also,

An Act for the relief of H. B. & C. E. Paine , also,

An Act granting John Moore and others the right to construct a Toll Bridge across the Elk river ; also,

An Act to fix the Compensation of the County Judges of Siskiyou and Klamath, and to repeal in part the first section of an Act entitled an Act to fix the compensation of County Judges, and Associate Justices of the Court of Sessions, passed May 17, 1853 ; also,

An Act to protect the Owners of growing Crops, Buildings, and other improvements in the Mining Districts of this State.

MORELAND,

Chairman.

Mr. Covarrubias made the following report:

Mr. Speaker :

The Committee on Military Affairs, to whom was referred the communications

from the Sonora Grays, relative to the passage of a bill providing encouragement for the volunteer Militia Companies of this State, have had the same under consideration, and concur in the opinion that the bill now before the House, concerning the organization of the Militia, will meet the wants of the petitioners, the Volunteer Companies throughout the State, and our citizens generally ; and they urge, therefore, the early and favorable action of this House upon the same.

J. M. COVARRUBIAS,
Chairman.

March 31, 1855.

Mr. Brewton verbally reported back Assembly bill No. 281, An Act to legalize certain Acts of the Court of Sessions of Sacramento County, and for other purposes. Referred to Committee on Roads and Highways.

Mr. Hosmer, Chairman, made the following report :

Mr. Speaker :

The Select Committee, to whom was referred Senate bill No. 149, entitled An Act to prohibit public Gambling, have considered the same, and recommend the adoption of an additional section, and the passage of the bill.

HOSMER, Chairman,
N C. CUNNINGHAM,
WILSON W. JONES.

March 31, 1855.

Mr. Farwell made the following minority report :

Mr. Speaker :

The undersigned, a minority of the select Committee to whom was referred Senate bill No. 149, entitled An Act to suppress public Gambling, have examined the same, and after a thorough consideration of all the features of the bill, respectfully submit, that the bill is entirely inadequate to bring about the desired results, and will prove the patron of the gaming house instead of suppressing it. They would, therefore, report, that while they are reluctantly obliged to differ with the majority of the Committee, they deem it an incumbent duty to recommend the rejection of the bill.

W. B. FARWELL,
D. C. ADKISON.

Mr. Hosmer moved to suspend the rules, and that the bill be put upon its third reading.

Not agreed to.

The following message was received from the Governor :

SURVEYOR GENERAL'S OFFICE, }
Sacramento, March 27, 1855. }

To his Excellency John Bigler, Governor of California :

SIR :—

I have the honor to transmit the accompanying extract from the letter which I mentioned in our recent conversation concerning the swamp and overflowed lands. By referring to Mr. Wilcox's report of Nov. 10, 1854, (see annual report of Surveyor General, page 58), it will be seen that he estimates these lands in his county, at "thirty-five or forty thousand acres," all of which was overflowed in 1851 and 1854. He also says "this land is only desirable for grazing, and, for that purpose, is very valuable"

I beg leave to refer also to a communication from the United States Surveyor General, dated Nov. 11, 1854, (see my annual report, page 89), in which he says, "In regard to the subject of swamp and overflowed lands, relating to which you wish a statement of what would be considered sufficient to establish the fact that any sub-division is swamp and overflowed lands, or subject to overflow, I have only to say that such lands are not sub-divided, but simply separated from the public domain by traverse lines, running along their margins, which lines are delineated upon the township plats, thus exhibiting the aggregate area of such lands as are in each township."

Thus we see that, in the County of Stanislaus alone, about twenty-five thousand acres of very valuable grazing lands, which undoubtedly belong to this State, are claimed and will be disposed of by the United States, unless proper action be taken to prevent the same.

I am, sir, very respectfully,
Your obedient servant,

S. H. MARLETTE,
Surveyor General.

Extract from letter from Silas Wilcox, Esq., County Surveyor of Stanislaus County, received March 20, 1855.

STANISLAUS COUNTY, March 14, 1855.

Hon. S. H. Marlette :

SIR :—

The United States Surveyors have nearly completed the sectionizing of about two-thirds of the overflowed land in this County. Two-thirds of that which is surveyed is under water at this time. I was informed by one of the party that their first orders were to survey only to high water mark, which is readily ascertained; but they had orders recently to survey all lands that are not overflowed nine months in each year.

Your obedient servant,

SILAS WILCOX,
County Surveyor.

U. S. SURVEYOR GENERAL'S OFFICE, }
 San Francisco, Nov. 11, 1854. }

Hon S. H. Marlette, Surveyor General:

SIR :—

Your letter of the 7th inst., has just come to hand, and the contents duly noted. It will not be in my power to furnish you with the information desired until the report of the Commissioner of the General Land Office to the ensuing Congress shall be published, which will also embrace my own annual report to the Department, together with a map exhibiting all the data asked for in your letter, so far as the public surveys have been completed, and which it is in the power of the office to give.

In regard to the subject of swamp and overflowed lands, relating to which you wish a "statement of what would be considered sufficient to establish the fact that any sub-division is swamp and overflowed land, or subject to overflow," I have only to say that such lands are not sub-divided, but simply separated from the public domain by traverse lines running along their margins, which lines are delineated upon the township plats, thus exhibiting the aggregate area of such lands as are in each township.

For the necessary information in relation to Geodetic Surveys of the State, I refer you to section four of the Act to provide for the Survey of the Public Lands in California, etc., approved March 3, 1853.

Very respectfully,
 Your obedient servant,

JOHN C. HAYS,
 U. S. Surveyor General, California.

EXECUTIVE DEPARTMENT, }
 Sacramento, March 30, 1855. }

To the Senate and Assembly of California :

I have the honor herewith to transmit an important communication from the Surveyor General of the State, inviting the attention of the Executive to statements made by the County Surveyor of the County of Stanislaus, and the expressed opinion of the United States Surveyor General for California in relation to the overflowed lands.

It will be seen that the United States Surveyor General says, "that such lands," referring to the overflowed, "are not sub-divided, but simply separated from the public domain by traverse lines running along their margins, which lines are delineated upon the township plats, thus exhibiting the aggregate area of such lands as are in each township."

The County Surveyor of Stanislaus County says that "the U. S. Surveyors have nearly completed the sectionizing of about two-thirds of the overflowed land in this (Stanislaus) County; that two-thirds of that which is surveyed is under water at this time; that he was informed by one of the party that their first orders were to survey only to high water mark, which is readily ascertained, but they had orders recently to survey all lands that are not overflowed nine months in the year."

This decision, if adhered to, will deprive the State of California of at least three millions of acres of land, to which, under the interpretation originally given to the provisions of the Act in question, she is, in my opinion, justly entitled.

On the 21st day of November, 1850, the Commissioner of the General Land Office directed the several Surveyors General to regard as granted by the Act, "all lands which, from being swampy or subject to overflow, are unfit for cultivation, and in which class are to be included also, all lands which, though dry part of the year, are subject to inundation at the planting, growing or harvesting seasons, so as to destroy the crop, and, therefore, are unfit for cultivation, taking the average seasons for a reasonable number of years as the rule of determination."

In a letter to Governor Brown, of Florida, inclosing a copy of the instructions above referred to, the Commissioner of the General Land Office, says:

"You will perceive that, by these instructions, the Surveyor General is authorized to receive such reliable evidence of the character of any of these lands as may be presented by the authorities of the State, and as many of the lands were surveyed at dry seasons, and hence are not represented by the descriptive notes or plats as being of that character, I have supposed it a matter of sufficient importance to induce you to call upon the County Surveyors, or other respectable persons of your State, for statements, under oath, in relation to the swamp or overflowed lands in their respective Counties, such testimony will be regarded as establishing the facts in the case, etc.

In accordance with the instructions issued by the Commissioner of the General Land Office in the month of November, 1850, all the other States benefited by the provisions of the Act, have made their selections, and no good reason, it is believed, can be assigned for giving to the law, at this time, a construction so unjust to the State of California.

It will also be seen by reference to the foregoing extract from the letter of the Commissioner of the General Land Office to the Governor of Florida, that the Surveyor General is authorized to receive "such reliable evidence of the character of these lands as may be presented by the State authorities," and that the "statements under oath of County Surveyors and other respectable persons of the State in relation to swamp and overflowed lands," would be received and regarded as establishing all the facts necessary to be ascertained or understood.

In order, therefore, to avail ourselves of the full benefit to which the State is justly entitled under the law, it will be necessary for the Legislature to provide, at an early day, for the collection and presentation to the authorities of the United States of such evidence as may be deemed requisite in the designation of swamp and overflowed lands.

Should the State permit selections to be made, as is now proposed by the United States Surveyor General, based alone upon field notes and surveys made at low water mark, California will be deprived of a very large portion of the best land to which she is entitled under the law. It is hoped, therefore, that immediate action will be taken on your part to prevent, if possible, so far as California is concerned, a departure from the mode of selection adopted in other States of the Confederacy.

It will be observed, by reference to the accompanying letter of the Surveyor General of the State, that the United States Surveyor General says that the swamp and overflowed lands "are not sub-divided, but are separated from the public domain by traverse lines running along their margins, which lines are delineated upon the township plats, thus exhibiting the aggregate area of such lands as are in each township."

It is to be regretted that the United States Surveyor General should have

thus decided relative to the selection of overflowed lands and their separation from the public domain, for the reason not only that such decision will deprive California of millions of acres of land to which she is entitled, but because it is believed to be in conflict with the law itself, wherein it is expressly set forth what lands are to be regarded as being swamp and overflowed.

Section three of the Act of September 28, 1850, reads as follows:

“That in making out lists or plats of the lands aforesaid, all the legal subdivisions the greater part of which is wet and unfit for cultivation, shall be included in said lists and plats, but when a greater part of a sub-division is not of that character, the whole of it shall be excluded therefrom.”

It will be seen that in order to make selections under this section of the law, it is necessary that legal sub-divisions should be made, and that traverse lines running along the margin, as proposed by the United States Surveyor General, would not meet the requirements of the section of law last above cited. As this decision, or perhaps more properly, *dicta* of the United States Surveyor General, if adhered to, will be very injurious to the interests of the State, I trust you will, without delay, take such measures as may be deemed necessary in the premises, to secure to their fullest extent the rights and interests of the State under the law, and more particularly protest against the abandonment by the officers of the General Government, of the wise and just plan of designating swamp and overflowed lands, so clearly marked out in the third section of the Act of September 28, 1850.

Before concluding I cannot refrain from again urging upon you the great importance of immediate action upon your part to secure the speedy selection of the school lands donated by Congress to the State of California. There is reason to believe that pre-emptions are daily being made upon sixteenth and thirty-sixth sections granted to the State for school purposes; and although in that case the State can locate a like quantity elsewhere within her limits, still it is true that their selection will be attended with additional expense and trouble to the State.

The selection of these lands by the State, I would here remark, will in no wise operate to the disadvantage of the settler, or entail upon him additional hardships or expense, for the reason that the State will certainly dispose of them on terms even more liberal than those now enacted by the General Government. Indeed, it should be the desire, not only of the actual settler, but of every citizen of California, that the State should, at as early a day as possible, be possessed of these valuable lands, rather than the General Government, as the moneys obtained from their sale will, in that case, be paid into the school fund for the education of the children of the State, instead of finding its way, as now, into the already overflowing coffers of the nation.

JOHN BIGLER.

On motion, the reading was dispensed with, and referred to Committee on Public Lands.

The following message was received from the Senate :

SENATE CHAMBER, March 30, 1855.

Mr. Speaker:

I am directed to inform the Assembly that the Senate have this day passed Assembly bill No. 76, An Act to amend an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853, with amendments as shown therein, and in which the concurrence of the Assembly is solicited.

C. DICKINSON,
Secretary Senate.

Assembly bill No. 76, An Act to amend an Act to provide for the Incorporation Railroad Companies, passed April 22, 1853.
Senate amendments concurred in.

The following message was received from the Senate :

SENATE CHAMBER, March 30, 1855.

Mr. Speaker:

I am directed to inform the Assembly that the Senate did on this day, pass Assembly bill No. 264, entitled An Act to regulate Fees in Office.

C. DICKINSON,
Secretary Senate.

Assembly bill No. 316, An Act in relation to Escheats—
Taken up, and ordered printed.

Mr. Farwell introduced the following resolution :

Resolved, That the Clerk be instructed to request of the Senate, that Assembly bill No. 73, An Act to suppress Gaming, be returned to the Assembly, the same having been reported to the Senate before having passed the House.

Adopted.

On motion of Mr. Ryland, Assembly bill No. 244, An Act to provide for the Survey and Construction of a Wagon Road from the Sacramento Valley to the Eastern Boundary of the State, was taken from the table.

Mr. Kinney moved to make this, and all the bills concerning Wagon Roads, the special order for this and every day, until disposed of.

Withdrawn.

Mr. Stow moved that all bills concerning Wagon Roads be considered in Committee of the Whole.

Agreed to.

In Committee of the Whole, (Mr. Gober in the Chair,) to consider the several bills concerning Wagon Roads.

Committee rose, reported back, and were discharged.

Mr. Flournoy moved to adjourn.

Lost.

Mr. Kinney introduced the following resolution :

Resolved, That all the bills introduced into the Assembly for the locating of Wagon Roads, be referred to a select Committee of nine, with instructions to report a bill making an appropriation of \$40,000 for a northern route, \$50,000 for a central route, \$20,000 for a southern route, \$10 000 on the route from San Diego by the mouth of the New river ; *provided*, that the counties through which said routes pass shall cause the said roads to be surveyed and located by the County Surveyor thereof, which survey and location of road shall be paid by said counties.

Mr. Farwell called for a division of the question.

Mr. Amyx introduced the following amendment to Mr. Kinney's resolution :

" Add twelve thousand dollars for a route from Sonora, Tuolumne county, to the head of Watkins river, east of Sierra Nevada mountains.

Pending which, on motion of Mr. Vineyard, the House adjourned at 2 o'clock, P. M.

IN ASSEMBLY.

MONDAY, April 2, 1855.

House met pursuant to adjournment.

Speaker in the chair.

Roll called and the following members were absent :

Merrs, Cammet, Doughty, Rodgers, Taylor and Updegraff.

Mr. Whitney was granted leave of absence for one day.

Journal of yesterday was read and approved.

Mr. Wells introduced a bill for An Act to regulate Banking and the Deposit of Gold and Silver in Coin, Dust and Bullion.

Read first and second time and referred to a select Committee heretofore appointed.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker :

The Committee on the Judiciary have considered Assembly bill No. 199, entitled " An Act granting to James L. Graves and Thomas C Burton, and such others as they may associate with them, the right to construct a Toll Bridge across the American River, at or near the Mississippi Bar," and a majority submit the following report :

It is understood that the principal purpose of the present reference was to

ascertain the opinions of this Committee in regard to the constitutionality of the bill, and therefore the question of policy and propriety will be left as presented by the previous report of the Committee on Roads and Highways. On the first submission of this question, a majority of the Committee thought that it would be readily determined by the application of a few general rules and principles of unquestioned accuracy, and that no labored argument by us could be required or even tolerated. It has, however, resulted that our first impressions were not justified. A minority of the Committee, reputable alike for ability and devotion to correct principles, after investigation, have expressed an opinion wholly antagonistic to that of ourselves.

Meantime, the Executive, in view of the duties imposed by his position, has deemed himself constrained to interpose his *veto* to the passage of two kindred bills, and the able and earnest views urged by his Excellency cannot fail, either directly or indirectly, to materially affect the determination of the question. But these circumstances, however embarrassing, cannot justify us in withholding a free and full expression of our own conclusions. We assume that it is as much the duty of the Legislature to exercise a power permitted by the Constitution when demanded by the public good, as it is to refrain from the exercise of a power which is denied by that instrument.

It is not alone the duty of Government to do *no wrong*—to fulfil the purposes of its creation it must *do right*. A just fidelity exacts of each department of the Government a prompt vindication of the Constitution, both against positive infraction and incautious abandonment. In view of our official oaths, we cannot, we dare not passively surrender a constitutional power of the Legislature, the exercise of which may be necessary to secure the best interests of the State—and such, in our opinion, is the power which is now the subject of argument.

By the common law of England, all toll bridges and public ferries were held to be the prerogatives of the Crown, as representatives of the State; and where the right to keep or maintain either was granted to an individual, it was termed a franchise; in other words, it was “a royal prerogative in the hands of a subject.” We hazard nothing when we affirm that throughout the American Union the same rights have been asserted by the several States. With us, toll bridges and public ferries have been recognized as incidents or prerogatives of the municipal sovereignty, and have been granted to private citizens in the exercise of legislative discretion.

It is but a political truism that the people of the State retain all powers not denied by their Constitution, and these powers, in the absence of any constitutional restraint, they may exercise through their representatives. In the absence, then, of any constitutional inhibition, the subject matter of this bill is within the legitimate purview of the legislative power. Those who deny the power must show the prohibition.

The doubt in this case is suggested by section 31 of article 4 of our State Constitution, which provides that “corporations may be formed under general laws, but shall not be created by special Act, except for municipal purposes. All general laws and special Acts passed pursuant to this section may be altered from time to time, or repealed.” The bill under consideration is for a special Act, and for purposes other than municipal, within the meaning of the section. If, therefore, it proposes to create or confer corporate powers or privileges, it is within the prohibition. The Legislature cannot, by special enactment, create or confer such powers or privileges. We, however, confidently assume that a brief examination of the bill will show the entire absence of all ground to affirm that it proposes to create or confer any such power or privilege. A corporation is said to be an artificial person, and, according to Black-

stone, there are five incidents inseparable from its very existence. Among these is a corporate name in which it must act, sue and be sued. It must have the attribute of succession, whereby its moneys and effects pass from its members to their successors without conveyance or assignment. All the corporators may change, but still there exists the same corporation, the same artificial person, possessed of the identical properties conferred by the Act of its creation.

The purposes and incidents of corporations are perhaps nowhere set forth more happily than by Chief Justice Marshall, in the *Dartmouth College vs. Woodward*. "A corporation," says he, "is an artificial being, invisible, intangible and existing only in contemplation of law. Being the mere creature of law, it possesses only those properties which the charter of its creation confers upon it, either expressly or as incidental to its very existence. These properties," continues he, "enable a corporation to manage its own affairs and to hold property without the perplexing intricacies, the hazardous and endless necessity of perpetual conveyance for the purpose of transmitting it from hand to hand. It is chiefly for the purpose of clothing bodies of men in succession with these qualities and capacities that corporations were invented and used. By these means, a perpetual succession of individuals are capable of acting for the promotion of the particular object, like one immortal being."

In another case this eminent jurist says, "the great object of a corporation is to bestow the character and properties of individuality on a collective and changing body of men." With these explicit, unambiguous definitions before us, we inquire, does this bill present one single characteristic of a corporation? For ourselves, we must insist that we do not recognize the first faint semblance of a body politic or artificial person.

The proposition is to confer a simple, ordinary franchise upon individuals, *quoad* individuals and not as corporators. It is not intended to invest these individuals with any capacities or properties which, as natural persons, they do not already possess. Naturally, they have the capacity to accept the grant of this franchise and to exercise it in conformity with the law. Under the proposed enactment they could not assume a corporate name, but must act in their individual names or their firm name. It is not proposed to create any capital or corporate stock which alone will be periled by the enterprise. Creditors will not be limited in their remedy to the common money or effects, but the grantees will be liable, jointly and severally, to the extent of the common moneys and effects, and also to the extent of the several moneys and effects of each. It is, then, at most, but the common case of a franchise granted to corporations. In George's view of the existing (English) law, 29, it is said, "one of the greatest distinctions in contemplation of law, between partnerships and corporate companies, is that in the first the law looks to the individuals of whom the partnership is composed, and knows the partnership no otherwise than as being such a number of individuals; while in the second, it sees only the creation of the charter, the body corporate, and knows not the individuals." Again, Lord Holt, in the *King vs. the City of London*, says, "neither the actual possession of property nor the actual enjoyment of franchises is the essence of a corporation." Every license or permission to keep a toll bridge or public ferry is a franchise which may be held and enjoyed by the humblest citizen. The Constitution does not prohibit the Legislature from conferring a franchise by special enactment; this is left entirely to the legislative discretion. In all this we fully recognize the existence of *quasi* corporations. These may be private, but they must be created with powers *sub modo*, and for specified purposes only, and hence they are called *quasi* corporations. But still, in all these, there is some distinct and well defined corporate power or property. They may be imperfect corporations, but still *sub modo*, and, for certain purposes, they are cor-

porations. In Angell and Ames on Corporations, it is said, "the joint stock banks in England, of modern creation, called into existence by the Act of 7 George IV. are considered *quasi* corporations, as that Act provides for the continuance of the partnership notwithstanding a change of the partners. In this case the partnership has the corporate attribute, succession. And a mining joint stock company was deemed a *quasi* corporation, because a suit for a demand against the company might, by virtue of an Act of Parliament, be brought against the directors. Here is attached the corporate liability of being sued without the names of each individual partner composing the company. The general assembly of the Presbyterian Church in Pennsylvania is not a *quasi* corporation, because it has not the capacity to sue as an artificial person. A *quasi* corporation is also established by law, but that Assembly is not."

Here there is no corporate name, no succession, no creation of any capacity or property by law, and no characteristic whatsoever of a corporation.

But the difficulty, in this case, is supposed to be rendered more embarrassing by section 33 of the same article of the Constitution, which provides "That the term corporation, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And it is argued that "the object of the framers of the Constitution in adopting the foregoing section was evidently to prohibit the law-making power from granting to private persons, by special enactments, powers and privileges which, in the absence of law, could not be enjoyed by individuals or partnerships." But such is not the reading of the section. It clearly implies that there are powers and privileges which, without special law, may be enjoyed equally by corporations and individuals or partnerships. It does not prohibit the granting of any power or privilege which may be held and enjoyed by individuals or partnerships without any enlargement of their natural capacities, but powers and privileges which are peculiar to corporations.

The bill under review does not propose the creation of any new or additional power or capacity in the grantees of the franchise. They are to take and exercise the same as natural persons, in their natural capacities, and none other. The privilege proposed to be conferred is not peculiar to a corporation, either perfect or *quasi*, but may, with equal legitimacy, belong to individuals. It is no answer to these propositions to assert that natural persons, without an act of law, cannot hold or enjoy such franchise; for, neither can it be so held or enjoyed by a corporation *ex proprio vigore*. Individuals associated as such, cannot lawfully construct or maintain a toll bridge without the permission of the municipal sovereignty, expressed, either directly through the Legislature or indirectly through subordinate officials. If the same individuals become incorporated for the same purposes, under the general law which is authorized by the Constitution, there is yet the same absence of legal right to the franchise. As a corporation they are no more entitled to the privilege than they were as individuals. In neither case can it be lawfully exercised without the permission of the State to which it ultimately belongs. The formation of a corporation for the purpose of exercising a franchise does not *ipso facto* imply a right to such franchise; that is to be acquired by a distinct substantive act. The privileges here proposed to be conferred are such as may be enjoyed by natural persons without any enlargement of their natural capacities—such as have been so enjoyed in this State from the organization of its Government—such as have elsewhere been so enjoyed for hundreds of centuries. The powers and privileges intended to be prohibited by the Constitution are such as are peculiar to corporations; such as natural persons, without legislative aid, cannot enjoy. It prohibits the creation, by special Act, of associations and companies having

any of the powers or privileges of corporations not possessed by individuals or partnerships. Where a power or privilege may be possessed alike by an individual or individuals and a corporation, there is no inhibition. It only attaches where the power or privilege is peculiar to a corporation, and is not equally possessed by individuals.

The conclusion to which we are unavoidably impelled is that these provisions of the Constitution were intended to prohibit the creation, by special enactment, of corporations and *quasi* corporations, and not to prohibit the grant of a franchise to individuals or partnerships, as such.

The attention thus bestowed upon this bill will avoid the necessity of any labored examination of the Assembly resolution, which has also been submitted for our consideration. The propositions embraced in the resolution are substantially as follows: 1. Can the Legislature constitutionally confirm, to a corporation regularly formed under the general law, for the purpose of constructing and maintaining a toll bridge, a license issued to it by a Court of Sessions, which has proved void for want of jurisdiction in such Court? 2. Can the Legislature confer upon such corporations powers or privileges additional to those which it was supposed to possess under the Act of its creation and its original license, which has proved to be void?

These questions may involve graver difficulties than those presented by the bill already considered. We are, however, of opinion that the first must be determined affirmatively. Corporations may be formed under general laws, and special Acts for their formation only are prohibited. In the case now presented it is not proposed that the Legislature shall or may create a corporation or confer any corporate power by special Act, but simply to validate a power or privilege to a corporation already in existence and formed under the general law, which is explicitly authorized by the Constitution. The case supposes the present existence of a body politic, capable of receiving from the Legislature or others any grant consistent with the objects and purposes of its creation. If it was formed for the purposes of a toll bridge, we are of opinion that it may receive, directly from the Legislature, the privilege of constructing and maintaining such bridge.

Our reasoning upon the bill already considered will apply to the second question embodied in the resolution. The Legislature may, in our opinion, by special Act, enlarge a simple franchise, as well as make an original grant thereof, but cannot create or enlarge a corporate power or privilege—cannot constitute a corporation, either perfect or *quasi*.

It is urged that the grant of these privileges directly by the Legislature is fraught with danger to the public, and in this there may be much force. We but say that we are unable to see how a privilege threatens to be so disastrous when derived directly from the Legislature, and yet exactly the same privilege, with exactly the same incidents, is perfectly safe and harmless when derived from the subordinate officials of the State. We are inclined to think that the danger, if any, results from the character of the privilege, and not from the source whence it is immediately derived. For the protection of the public all such privileges ought to be vigilantly guarded and restricted, whether proceeding from special enactment or from the general law. We shall not, in this connection, pause to inquire whether the privileges now proposed to be secured are so guarded and restricted, and, in conclusion, have only to express our earnest fear that these, like nearly all of similar privileges which we have known to proceed from Courts of Sessions and Boards

of Supervisors, are incautiously expressed and without the limitations imperatively demanded by the general good.

I am authorized to say that Messrs. Ashley, Farley, Sherrard, Taylor and Rogers concur in this report.

Respectfully, &c.,

EDWARDS,
Chairman.

One thousand copies ordered printed.

Mr. Doughty made the following report :

Mr. Speaker :

The Committee on Public Lands have had under consideration Assembly bill No. 136, An Act amendatory of an Act entitled an Act to provide for the disposal of the 500,000 acres of land granted to this State by Act of Congress, passed May 3, 1852, and beg leave to recommend its indefinite postponement.

DOUGHTY,
Chairman.

Mr. Meredith made the following report :

Mr. Speaker :

The Joint Committee on Enrollment presented to Gov. Bigler, for his approval, on the 31st of March, the following Acts, viz :

An Act to authorize H. Henderson, John Dooling, R. Thompson, and such others as they associate with them, to construct a Wagon Road from Eureka, in Nevada county, to the Truckee Meadows, east of the Sierra Nevada Mountains ; also,

An Act to discharge the Board of Examiners of War Claims from further duties ; also,

An Act to authorize the funding of the outstanding Stockton City Scrip ; also,

An Act to prevent the trespassing of Animals upon Private Property ; also,

An Act authorizing the Commissioners of the Funded Debt of the County of Tnolumne to re-issue certain Bonds to John Dwinelle ; also,

An Act supplemental to and explanatory of an Act entitled an Act to fund the Indebtedness of the State existing in the form of State Controller's Warrants, drawn upon the Treasurer of State between the 30th day of July, 1853, and the 1st day of July, 1855, passed March 16, 1855.

H. B. MEREDITH,
Chairman.

April 2, 1855.

Mr. Moreland, Chairman, made the following report :

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed,

An Act to divide the State of California into Congressional Districts ; also,

An Act amendatory of an Act entitled an Act to incorporate Crescent City, passed April 13, 1854 ; and, also,

An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

MORELAND,

Chairman.

Mr. Keys made the following report :

Mr. Speaker :

The special Committee, consisting of Messrs. Farwell, Gober, and Farley, appointed by resolution of the Assembly to visit San Francisco, and examine Mr. Olds' Library, and report to the Assembly on the propriety of the State procuring the same for the use of the Supreme Court, have performed the duty required of them, and are entitled to one hundred and twelve dollars each mileage.

KEYS,

Chairman.

Adopted.

Mr. Ryland verbally reported Assembly bill No. 341, An Act amendatory of and supplemental to an Act entitled an Act to provide Revenue for the Support of the Government of this State, passed May 15, 1854.

Substitute was adopted, and read first and second time.

On motion of Mr. Kinney. all after the enacting clause was stricken out, and the amendment of the Committee (the substitute) was inserted.

Mr. Johnston, of San Francisco, offered the following amendment :

Provided, That as far as the County of San Francisco, the Sheriff shall be allowed one per cent. on sums over two hundred thousand dollars, and no more.

Adopted.

The bill was considered engrossed, read third time, and passed.

On motion, Assembly bill No. 327, An Act to incorporate the town of El Dorado, was taken up, considered engrossed, read third time, and passed.

Mr. Baker, from special Committee, made the following report :

Mr. Speaker :

The special Committee, to whom was referred Assembly bill No. 255, An Act to define the Northern Boundary line of Tulare county," have had the same under consideration, and instructed me to report the same back to the House, and recommend its passage.

BAKER,

Of Committee.

Assembly bill No. 255, reported above, was considered engrossed, read third time, and passed.

Mr. Johnston, of San Francisco, from select Committee, made the following report :

Mr. Speaker :

The select Committee, to whom was referred Assembly bill No. 170, and Senate bill No. 82, concerning Roads and Highways, beg leave to report a substitute, and recommend its adoption.

GEO. P. JOHNSTON,
Of Committee.

Mr. Kinney moved to take up Assembly bill No. 244, relative to a Wagon Road to the Eastern Boundary of this State.
Not agreed to.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, April 2, 1855. }

To the Assembly of California :

I have this day approved the following named Act, which originated in the Assembly :

An Act supplementary to an Act defining the time of commencing Civil Actions in certain cases, passed May 4, 1852.

JOHN BIGLER.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, April 2, 1855. }

To the Assembly of California :

An Act which originated in the Assembly, entitled An Act to discharge the Board of Examiners of War Claims from further duties, is herewith returned without approval.

This Act is returned for re-consideration, for the reason that its provisions are so far irreconcilable, as to render the Act itself entirely nugatory. The first section discharges the War Board from "all further duties," and declares the same to be dissolved. The second section authorizes the Board to continue in the discharge of their duties until the first day of August next, and to employ a clerk to assist them. The third section provides that the Act shall take effect from and after the first day of August, A. D. 1855.

It will be observed that the third section renders the first nugatory, so far as the immediate dissolution of the Board is concerned, and the second inoperative, so far as relates to the employment of a clerk, and the examination and final action by them on claims.

Although it is, perhaps, evident that the intention of the Legislature was to dissolve the Board on the first day of August next, and to authorize the examination of accounts, and the employment of a clerk for that purpose, to serve until the first of August, yet the Act will not, and cannot, by virtue of its own provisions, become a law until that date, and of course, no action as to the appointment of a clerk, &c., can be taken by the Board, until it shall have become a law.

It will thus be seen, that the very instant the Board is authorized to employ a

clerk, to wit, on the first day of August, 1855, under the operation of the first section, controlled by the third, it is dissolved, and ceases to exist.

JOHN BIGLER.

The question being upon the passage of the bill, notwithstanding the veto of the Governor, resulted as follows :

Those who voted in the affirmative were—

AYES.

None.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Arrington, Ashley, Adkison, Baker, Bates, Beatty, Bogardus, Brewton, Brown of Nevada, Buffum, Burke, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Foster, Ferguson, Gaylord, Geller, Gober, Gragg, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Lincoln, McConnell, McCurdy, Meredith, Moreland, Murdock, Oxley, Phelps, Quinn, Stevens, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Updegraff, Vineyard, Watkins, Waite, Wells, and Mr. Speaker—62.

So the Governor's veto was sustained.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, April 2, 1855. }

To the Assembly of California :

An Act entitled an Act to authorize H. Henderson, John Dooling, R. Thompson, and such others as they may associate with them, to construct a Wagon Road from Eureka, in Nevada County, to the Truckee Meadows, east of the Sierra Nevada Mountains, is herewith returned to the House in which it originated, without approval.

This Act is special in character, and, as I believe, in contravention of the Constitution, confers upon the parties named in the body of the same, the powers and privileges of a corporation. The 31st section of Article 4 of the Constitution, in express and unmistakable terms, declares that "Corporations shall not be created by special Acts, except for municipal purposes." And, the 33d section of the same article, provides that the term "Corporations, as used in this Article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships." That the framers of the Constitution intended by the above recited sections to prohibit the Legislature from granting corporate privileges by special Acts, such as the one herewith returned, cannot be doubted. If the powers and privileges conferred by this Act are, in the absence of law, 'possessed by individuals or partnerships,'

there certainly exists no necessity for Legislation. If, on the other hand, however, "the powers and privileges" conferred by this Act are not, in the absence of law, possessed by individuals or partnerships, then is this Act, because special, in character, clearly unconstitutional.

All the powers and privileges necessary to enable the parties named in the Act to construct the proposed road can be obtained, subject to the provisions of the general law relative to corporations, by making application, in accordance with its requirements, to the Board of Supervisors of the proper county. The General Corporation Act relating to roads and bridges may be defective, and require revision and amendment, and if so, I trust that it will receive your immediate attention, and be so changed as to remove all objectional features.

Having heretofore, in returning similar Acts without approval, fully expressed my views, not only in relation to the question of constitutionality, but also as to the expediency of special legislation, it is deemed unnecessary in this communication to do more than to again commend them to your careful consideration.

JOHN BIGLER.

The question being, Shall the bill pass, notwithstanding the veto of the Governor ? resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Ashley, Bogardus, Brown of Nevada, Curtis, Douglas, Doughty, Edwards, Farley, Geller, Johnson of El Dorado, Lincoln, McConnell, Meredith, Moreland, Murdock, Oxley, Palmer, Stevenson, Sherrard, Smith of Marin, Watkins, and Mr. Speaker—22.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Arrington, Adkison, Baker, Bates, Beatty, Brewton, Buffum, Burke, Cory, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Farwell, Ferrell, Ferguson, Gaver, Gober, Gragg, Hunt, Jones, Keys, Kinney, McCutchan, McCurdy, Phelps, Quinn, Ryland, Stevens, Singley, Smith of El Dorado, Taliaferro, Updegraff, Vineyard, Waite, and Wells—40.

So the veto of the Governor was sustained.

The following message was received from the Senate :

SENATE CHAMBER, March 30, 1855.

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on yesterday, pass the following bills :

Assembly bill No. 204, An Act to change the time of holding the different Courts authorized to be held by the County Judge in the County of Yolo ; also,

Assembly bill No. 166, An Act authorizing the Board of Supervisors of Napa county to levy a tax for certain purposes.

Respectfully submitted,

C. DICKINSON.

Secretary Senate.

The following message was received from the Senate :

SENATE CHAMBER, March 31, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have, on this day, concurred in the substitute reported by the Committee of free Conference to second section of Assembly bill No. 38, An Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers.

Respectfully,

C. DICKINSON,

Secretary Senate.

Mr. Burke offered the following resolution :

Resolved, That the Clerk of the Assembly cause to be prepared a statement of the unfinished business of this House, and that he cause the usual number of copies to be printed for the use of the House.

Lost.

Mr. Gober moved to take up Assembly bill No. 263, An Act to require the closing of certain Business Houses in certain Counties in this State on the first day of the Week, commonly called Sunday, and that it be placed on file.

Mr. Farwell offered the following resolution :

CONCURRENT RESOLUTION.

Whereas, conflicting opinions obtain in relation to the bearing of the Constitution, and of statutory enactments in relation to Corporations, affecting the free and unrestricted use of capital : *and whereas*, it is important that no unnecessary disabilities should exist, deterring or prohibiting the legitimate use of capital in such ways as will most conduce to the public welfare, as well as the manifest justice and present necessity of defining the liabilities of persons so using capital being clearly stated—

Resolved, the Senate concurring, That a Committee of five members of the House and four members of the Senate, be appointed, to whom shall be referred the matters foregoing, to report on the same, and to recommend such laws, or the amendment of existing ones, as may be required to meet the exigency, and to unshackle capital to the fullest extent permitted by the Constitution of the State.

Adopted, and referred to select Committee having that matter in charge—Mr. Ferrell, Chairman.

Assembly bill No. 230, An Act granting John Moore and others the right to construct a Toll Bridge across the Elk river—

On motion of Mr. Kinney, was indefinitely postponed.

Assembly bill No. 338, An Act to prohibit the carrying, and to prevent the improper and criminal use of deadly weapons—

Read third time and passed

Mr. Buffum moved to amend title by striking out the words "prohibit the carrying and."

Agreed to.

The following message was received from the Senate :

SENATE CHAMBER, March 31, 1855.

Mr. Speaker:

I am directed by the Senate, in consequence of the request of the Assembly this morning presented, to return herewith Assembly bill No. 73, entitled An Act to suppress Gaming.

C. DICKINSON,
Secretary of Senate.

Assembly bill No. 73, reported above, was referred to a select Committee of three, Messrs. Ashley, Ryland, and Oxley

Assembly bill No. 244, An Act to provide for the Survey and Construction of a Wagon Road from the Sacramento Valley to the Eastern Boundary of the State—

Mr. Kinney withdrew his motion to re-commit, offered on Saturday last.

On motion, the further consideration of the bill was temporarily suspended.

Mr. Ryland verbally reported Assembly bill No. 73, An Act to suppress Gaming—

Read third time, and passed.

Mr. Farwell offered a substitute for Assembly bill No. 244.

Not agreed to.

Mr. Douglas offered the following amendment to Assembly bill, No. 244 :

Amendment to first section—*Provided*, that no action is taken under the provisions of this Act until the United States Government locates and surveys the Emigrant and Stage Road to the Eastern Boundary of this State, and the road so constructed shall be a continuation of the same.

Messrs. Douglas, Gaver, and Stevens, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Baker, Brown of Nevada, Buffum, Burke, Clayton, Cunningham of Sierra, Douglas, Gaver, Hunt, Johnston of San Francisco, Jones, Keys, Lincoln, McCurdy, Oxley, Palmer, Quinn, Stevens, and Wells—21.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Adkison, Beatty, Bogardus, Brewton, Cory, Coombs, Cook, Cunningham of El Dorado, Curtis, Dana, Edwards, Farley, Ferrell, Foster, Ferguson, Gaylord, Gober, Graves, Gragg, Johnson of El Dorado, Kinney, McCon-

nell, McCutchan, Meredith, Moreland, Murdock, Phelps, Ryland, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Updegraff, Vineyard, Watkins, Waite, and Mr. Speaker—41.

So the amendment was lost.

Mr. Douglas moved to insert in section 1, after Sacramento, the words, " or San Joaquin."

Not agreed to.

Mr. Moreland offered the following amendment to section 1 :

" Provided the Counties requiring the survey for any road running through their territory shall pay the expense of surveying, marking, and locating said road."

Not agreed to.

Mr. Ashley offered the following amendment :

Strike out " from the Sacramento Valley, to the Eastern Boundary Line of the State of California," and insert, " over the Sierra Nevada Mountains."

Adopted.

Mr. Lincoln offered the following :

After " California," in the first section, add, " at an expense not to exceed five thousand dollars, and no further liability shall be incurred for this purpose."

Adopted.

And in the second section, between the words " State of," insert " not to exceed one hundred thousand dollars in all."

Adopted.

Mr. Johnston, of San Francisco, offered the following amendment to section 7 :

" *Provided*, any expenditure made, or contract entered into by the Commissioners beyond the one hundred thousand dollars, shall be null and void as against the State, and the Commissioners shall be jointly and severally liable to the same prosecution and penalties for a violation of the provisions of this section, as is provided in section 4 of this Act."

Adopted.

Mr. Lincoln offered the following amendment :

Strike out the words, " The most central and convenient route," from the sixth line of the seventh section, and insert the words, " the most practical and economical route."

Adopted.

Mr. Ashley offered the following substitute for section 8 :

“ All liabilities authorized and incurred under and by virtue of the provisions of this Act, shall be paid out of the appropriation made by this Act.

Adopted.

Mr. Edwards moved to amend, by adding the following section to the bill :

“ Sec. 9. At the next general election to be held in this State, a poll shall be opened at each place of voting for and against the appropriation provided for in the seventh section of this Act, except the sum of five thousand dollars herein appropriated to pay for the survey of said road, and each elector shall vote, ‘Appropriation for Road—Yes ;’ or, ‘Appropriation for Road—No.’ And if, at such election, a majority of all the votes given shall be in favor of said appropriation, then the whole of the same shall be made according to the requirements of this Act. But nothing in this section shall be held to affect the appropriation of five thousand dollars herein made to pay for the survey of said road.”

Mr. Beatty moved to adjourn.

Not agreed to.

Mr. Stevenson moved the previous question.

Mr. Kinney moved a call of the House.

Not agreed to.

The previous question was then put and sustained.

The question then recurred on the adoption of the amendment.

Upon which, Messrs. Ryland, Amyx, and Stow, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Beatty, Brown of Nevada, Buffum, Burke, Clayton, Covarrubias, Douglas, Graves, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Lincoln, McCurdy, Oxley, Palmer, Quinn, Ryland, Stevens, Sherrard, Singley, Watkins, and Wells—28.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Bogardus, Boles, Brewton, Cory, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Dana, Farley, Ferrell, Foster, Gaylord, Geller, Gober, Gragg, McCutchan, Meredith, Moreland, Murdock, Phelps, Stevenson, Smith of El Dorado, Updegraff, Vineyard, Waite, and Mr. Speaker—29.

So the amendment was lost.

The question being upon the engrossment of the bill,

Messrs. Ryland, Johnson of El Dorado, and Stow, demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Bogardus, Boles, Brewton, Cory, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Dana, Edwards, Farley, Ferrell, Foster, Ferguson, Gaylord, Geller, Gober, Gragg, Hunt, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, Meredith, Moreland, Murdock, Phelps, Stevenson, Smith of El Dorado, Updegraff, Vineyard, Waite, and Mr. Speaker—36.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Baker, Beatty, Brown of Nevada, Buffum, Clayton, Douglas, Graves, Jones, Keys, McCurdy, Oxley, Palmer, Quinn, Stevens, Sherrard, Singley, Watkins, and Wells—19.

So the bill was ordered engrossed.

Mr. Vineyard moved to re-consider the vote just taken.

Pending which, on motion of Mr. Oxley, the House adjourned at 3 o'clock, P. M.

IN ASSEMBLY.

TUESDAY, April 3, 1855.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and the following members were absent :

Messrs. Brown of Contra Costa, Coombs, Doughty, Curtis, Edwards, Farwell, Johnson of El Dorado and Rodgers.

Messrs. Curtis, Edwards and Rodgers were each granted leave of absence for one day.

Journal of yesterday was read and approved.

Mr. Ferguson presented a petition from citizens of Sierra county, remonstrating against the division of that county.

Read and referred to Committee on Counties and County Boundaries.

Mr. Whitney introduced a bill for An Act to legalize the City Assessment of the City of San Francisco for the fiscal year 1854-5.

Read first and second time and referred to the San Francisco delegation.

Mr. Ferrell introduced a bill for An Act to discharge the Board of Examiners of War Claims from further Duties and to abolish the same.

Read first and second time and referred to Committee on Indian Affairs.

Also, a bill for An Act to provide for the Survey of a Wagon Road and for the Sinking of Wells on the same, from the Colorado River to the Bay of San Diego

Read first and second time and laid on the table.

Mr. Edwards introduced a bill for An Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851.

Read first and second time and referred to Judiciary Committee.

Mr. Farley, Chairman, made the following report :

Mr. Speaker :

The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 56, An Act to provide for the Ascertainment of the Debt of Calaveras County and the Apportionment of the same, have had the same under advisement, and a majority of said Committee instruct me to report a substitute for said bill back to the Assembly and recommend its passage.

All of which is herewith respectfully reported.

FARLEY,
Chairman.

Assembly bill No. 56, reported above.
Laid on the table.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851 ; also,

An Act prescribing the Manner of Electing United States Senators; also, An Act to authorize the Board of Supervisors in and for the County of Sutter to levy a Special Tax for the Erection of Public Buildings in said County ; also,

Joint Resolution relative to the establishment of Mail Routes in Klamath and Siskiyou Counties; also,

Concurrent Resolution relative to the Payment of Pensions.

MEREDITH,
Chairman.

The following message was received from the Senate :

SENATE CHAMBER, March 31, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on yesterday, pass the following :

Assembly bill No. 164, An Act amendatory of and supplemental to an Act entitled an Act defining the Legal Distances from each County Seat in the State of California to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton and the State Prison at San Quentin, passed May 15, 1854 ; also,

Assembly bill No. 74, An Act for the Relief of Preston K. Woodside ; also,

Concurred in Assembly amendment to section five of Assembly bill No. 8, entitled An Act to amend an Act concerning Crimes and Punishments.

Respectfully,

C. DICKINSON,
Secretary Senate.

On motion of Mr. Clayton, Assembly bill No. 216, An Act to prohibit all persons of Foreign Birth, who are not eligible to Citizenship, from working or occupying the Mines in this State, was taken up and placed on file.

Assembly bill No. 108, An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Read third time and passed.

Assembly bill No. 2, An Act to divide the State of California into Congressional Districts.

Read third time.

Mr. Buffum moved to recommit the bill with instructions to strike out the proviso.

Mr. Flournoy moved to indefinitely postpone, whereupon,

Messrs. Buffum, Smith of Marin and Covarrubias demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Cammet, Chase, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Flournoy, Foster, Gaver, Geller, Graves, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Watkins and Wells—35.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Adkison, Bates, Buffum, Burke, Cory, Clayton, Coombs, Cook, Dana, Douglas, Edwards, Farley, Ferguson, Gaylord, Gober, Gragg, Hosmer, Kinney, Knox, Lincoln, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Sherrard, Updegraff, Waite, Whitney and Mr. Speaker—34.

So the bill was indefinitely postponed.

Mr. Buffum gave notice that he would, on to-morrow, move that one thousand copies of the ayes and noes on the bill be printed.

Mr. Johnston of San Francisco moved to reconsider the vote just taken.

Mr. Stevenson moved to indefinitely postpone the motion.

Agreed to.

The House resolved itself into Committee of the Whole, Mr. Kinney in the Chair, to take into consideration Assembly bill No. 278, An Act concerning the Organization of the Militia.

Committee rose, reported progress and were discharged.

Mr. Cammet moved to strike out the enacting clause.

Not agreed to.

On motion, the House concurred in the Committee amendments.

Mr. Arrington moved to strike out fifty cents commutation tax.

Agreed to.

Mr. Buffum moved to fill the blank with ten cents.

Not agreed to.

The bill was considered engrossed.

Read third time, and, upon its passage,

Messrs. Watkins, Hosmer and Buffum demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Ashley, Baker, Bates, Beatty, Bogardus, Brewton, Brown, of Nevada, Buffum, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Dana, Douglas, Edwards, Farley, Fournoy, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Johnson of El Dorado, Jones, Keys, Kinney, Lincoln, McCutchan, McCurdy, Mellus, Murdock, Oxley, Phelps, Quinn, Stevens, Sherrard, Smith of Marin, Stewart, Taliaferro and Wells—45.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Cory, Ferrell, Gaver, Moreland, Palmer, Singley, Vineyard, Watkins and Whitney—10.

So the bill passed.

Mr. Johnson of San Francisco moved to recommit to the San Francisco delegation Assembly bill No. 16, An Act to re-incorporate the City of San Francisco.

Agreed to.

Mr. Stevenson moved to adjourn, upon which,

Messrs. Cammet, Jones and Arrington demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Bates, Beatty, Bogardus, Brewton, Brown of Nevada, Cory, Chase, Clayton, Coombs, Covarrubias, Cunningham of Sierra, Dana, Edwards, Farley, Ferrell, Fournoy, Ferguson, Gaver, Gragg, Hosmer, Hunt, Johnson of El Dorado, McCurdy, Moreland, Murdock, Oxley, Palmer, Phelps,

Stevens, Sherrard, Smith of El Dorado, Smith of Marin, Stewart, Waite and Whitney—36.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Ashley, Baker, Buffum, Burke, Cammet, Cook, Douglas, Gaylord, Gober, Graves, Johnston of San Francisco, Jones, Keys, Kinney, McCutchan, Mellus, Quinn, Singley, Watkins and Wells—21.

So the House adjourned at half past two o'clock, P. M.

IN ASSEMBLY.

WEDNESDAY, April 4, 1855.

House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called, and the following members were absent :

Messrs. Smith of El Dorado and Brown of Contra Costa.

On motion, Mr. Brown of Contra Costa was granted indefinite leave of absence, on account of sickness, and Mr. Smith for one day.

The Journal of yesterday was read and approved.

Mr. Updegraff presented a petition from citizens of Yolo county, in reference to the location of the County Seat of Yolo county.

Mr. Hunt introduced a bill for An Act appropriating Money for the Improvement of the Immigrant Road from the Eastern Boundary of this State, through the Cajon Pass, to San Pedro.

Read first and second time and referred to Committee on Internal Improvements.

Mr. Ryland verbally reported Assembly bill No 325, An Act amendatory of an Act entitled an Act concerning Sheriffs, passed April 29, 1851, recommending its passage.

Placed on file.

On motion of Mr. Ferrell, Assembly bill No 349, An Act to provide for the Survey and Construction of a Wagon Road and for the Sinking of Wells on the same, from the Colorado River to the Bay of San Diego, was taken from the table and referred to Committee on Internal Improvements.

Mr. Gaylord, Chairman, made the following report :

Mr. Speaker :

The Committee on Roads and Highways have had Assembly bills No. 230, 236, 221, 205 and 233 under consideration, and find them containing the subject matter of many bills heretofore acted upon by this body, among which is the bill of Cow and Calf notoriety, and, believing they will be subjected to a similar fate—first passage, second the veto, and third repudiation—I am instructed to return the same, without amendment or recommendation, and ask to be discharged from the further consideration of any bills containing similar subject matter.

In pursuing this course, your Committee will state that they are fully impressed with the conviction that it is clearly within the legitimate province of the Legislature to act upon these bills, with proper restrictions, but that the power should be used with discretion. Yet, knowing the fate that awaits them, and believing that, from the nearness of the session to its close, the best interests of the people will be subverted, they return them, suggesting that, in their consideration, much valuable time will be consumed in useless discussion, to the exclusion of important business.

Respectfully submitted.

GAYLORD,
Chairman.

Mr. Burke, Chairman, verbally reported Assembly bill No. 350, An Act to discharge the Board of Examiners of War Claims from further Duties and to abolish the same, recommending its passage.

Bill placed on file.

Mr. Cory, Chairman, made the following report :

Mr. Speaker :

The Placer delegation, to which was referred Assembly bill No. 145, An Act to amend an Act entitled an Act concerning the Office of Public Administrator and making it Elective, passed April 15, 1851, have had the same under consideration and instructed me to report that, while they are unanimously in favor of the provisions therein contained, at the request of several members of this body they would respectfully report the same back and recommend its reference to the Judiciary Committee, with a view to the introduction of a substitute for the same, more general in its character.

CORY,
Chairman.

Mr. Johnston, of San Francisco, made the following report :

Mr. Speaker :

The select Committee of five, appointed under a resolution of this House "to investigate and report to this House what disposition has been made of the one hundred and fifty thousand dollars received by this State from the United States, for the Custom House Block at San Francisco ; where said money now is, and whether, at any time, the money belonging to this State has been used by any person or persons for his or their private business ; and, if so, how and

by whom was it so used ; and also, whether any Controller's or other similar certificates, given for services rendered, but for which no appropriation was made by the last Legislature, have been received by the State Treasurer in payment for property sold by the State Board of California Land Commissioners, or for other property ; and said Committee shall be fully authorized and empowered to send for persons and papers," in the discharge of their duties have ascertained certain facts, which they beg leave to submit in the following report :

Your Committee, with reference to the first point presented in the foregoing resolution, are satisfied that the one hundred and fifty thousand dollars have been properly disposed of, and applied to the payment of the civil seven per cent. bonds, and also that no part of the money belonging to this State has been "used by any person or persons for his or their private business," by the connivance or consent of the State Treasurer, otherwise than as manifested by that officer in leaving the public money in the hands of private bankers on general deposit.

But, from the correspondence of the State Treasurer and the testimony obtained from certain witnesses summoned before the Committee, they have arrived at the conclusion that the State Treasurer has acted improperly.

First, in advertising the payment of bonds in Sacramento, when, by law, they were made payable in New York.

Second, in receiving Controller's certificates and accounts of the Board of California Land Commissioners in payment for the water lot property of the State ; and,

Lastly, in making general deposits of the public moneys in different banking houses in this State, without specific instructions as to their safe-keeping, beyond the provisions and penalties of an ordinary bond from the banker with whom the deposit was made.

The Treasurer admits that he advertised that the bonds of the State would have to be sent to Sacramento for payment, when the law under which they were issued and the face of the bonds themselves declared that they should be paid at the city of New York. Excuses are rendered for this course, which mitigate the offence of the State Treasurer, but your Committee are constrained to attract attention to its manifest and exceeding impropriety. Ill-natured men are even furnished grounds for suspicion by the course pursued. For instance, it might appear to them that this sort of injury inflicted upon the credit of the State would depreciate the market value of the bonds and enable certain parties to profit by purchasing them at their depreciated value. Neither is this suspicion weakened from the fact that a brother of a partner of the firm of Palmer, Cook & Co., known to be large dealers and speculators in State stocks, was designated as the person who should give information to the bond-holders in New York. The advertisement referred to appeared in the New York papers on the tenth day of February last, while we are informed that on the seventeenth day of January, arrangements were made to forward to Mr. John Cook, Jr., (the brother of a partner of the firm of P., C. & Co. referred to, in New York,) one hundred and ten thousand three hundred dollars, to redeem the bonds which had been ordered to Sacramento. If Mr. Cook was aware of this arrangement, it would have been no difficult matter for him to take advantage of the panic caused by the failure of the State to meet her obligations, buy up the bonds at a depreciated rate, on ten days time, pay for them out of the very money sent him by the Treasurer, and have a snug little sum left, as he would receive them at the market price and turn them over to the State at par. Your Committee are induced to comment upon this point at some length, because of the peculiar state of facts in the case. On the fifteenth day of Jan-

uary, a notice was sent out and published in New York on the tenth day of February, that the bonds must be sent to Sacramento for redemption, while it appears that the next steamer carried out the money, and the Treasurer tells us the arrangement to send it forward was made on the seventeenth day of January.

The reception, by the Treasurer, of Controller's certificates, in payment for property sold by the State, was clearly a violation of existing laws. No appropriation had been made to meet these claims. The work had been ordered, but no provision made to pay for it when done. It was not a recognized debt of the State, but merely an unliquidated claim. They were not warrants for money, but merely certificates that work had been done. To receive them was to make the holders preferred creditors, and it was also interfering with the just claims of those who held warrants. This is the more inexcusable from the fact that the State Treasurer, last year, refused to take, in payment for the same property, bonds which had been issued for building the State Prison, when they were undoubtedly a portion of the civil indebtedness of the State. He says that he required warrants to be substituted for the certificates. This is no satisfactory vindication, nor does it evince any wonderful prudence or care on his part; for it is just what he was obliged to do in order to make his settlement with the Controller. His action was the holding money in trust for a party awaiting the action of the Legislature on an unadjusted claim—a thing he had no right to do.

Lastly, the testimony discloses the fact that a large, if not the greater part of the public funds, has been left with private bankers at different times, on general deposit. This privilege is clearly not allowed the State Treasurer, under the original law concerning the office of State Treasurer, either in its letter or in the intent of the Legislators who enacted it; otherwise, the subsequent Act of the Legislature, passed May 4, 1854, "To authorize the Treasurer of State to make Special Deposits," was unnecessary and a nullity. Nor does it appear that our immediate predecessors, composing the Legislature of 1854, so construed the original Act of Legislation on this subject; neither were they disposed to confer such power, or allow such liberty to the State Treasurer; for we find that they repealed the Act authorizing special deposits. The argument is plain that if, under the first law, the Treasurer was empowered to make general deposits, there was no reason or necessity for the special enactment; nor is the sense of the repeal of that enactment apparent if the last Legislature deemed the State Treasurer authorized to make general deposits. The lesser privilege would unquestionably ensue from the greater, without legislation on the subject.

Whatever may be the arguments, growing out of the failure of the State to provide a safe depository for the public moneys, adduced to justify the course pursued by the State Treasurer in leaving the moneys in the hands of private bankers, or the construction placed upon the law which may yet allow him to adopt this plan, the practice is in the highest degree objectionable, and, if persisted in, may result in a serious injury to the public interest. Your Committee, therefore, feel impelled by a sense of duty to urge the present Legislature to pass a law, hereafter prohibiting such deposits and providing for their safe-keeping under the immediate supervision of the State Treasurer.

Your Committee further beg leave to communicate to this House that one hundred thousand dollars (or thereabouts) of the public moneys are, at this time, on special deposit with Palmer, Cook & Co., of San Francisco, (according to the testimony of a witness called before the Committee.)

In conclusion, your Committee desire to exculpate the State Treasurer from all censure in the management of the affairs of his office, (so far as the knowl-

edge of the Committee extends) other than may properly attach to him from the causes hereinbefore set forth.

The correspondence of the Committee with the State Treasurer is contained in letters, numbered from one to eight, and the other evidence on which the report is based will be found in exhibits A., B., C. and D.

All of which is respectfully submitted.

GEO. PEN JOHNSTON, Chairman.
D. O. ADKISON,
D. F. DOUGLAS,
A. H. MURDOCK.

Mr. Edwards, made the following report :

Mr. Speaker :

The Committee on the Judiciary have considered Assembly bill No. 311, An Act concerning Logs and Timber floated upon the Streams of this State, and report the accompanying substitute, of the same title, and recommend its passage.

EDWARDS,
Chairman.

Bill above reported placed on file.

The following message was received from the Senate :

SENATE CHAMBER, April 2, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on the 21st ultimo, pass the following bills.

Senate bill No. 129, An Act to provide for paying the outstanding Indebtedness of the County of Santa Clara.

Senate bill No. 159, An Act to prevent the counterfeiting of Gold Dust, and other species of uncoined Gold,

Assembly bill No. 261, An Act to fix the Compensation of the County Judge of Sierra County, and to repeal, in part, the first section of an Act entitled an Act to fix the Compensation of County Judges and Associate Justices of the Courts of Sessions, passed May 17, 1853.

Assembly bill No. 213, An Act to authorize the payment of the Rents of the Court House in Sacramento County.

Assembly bill No. 249, An Act to authorize the Board of Supervisors in and for the County of Marin to levy a special Tax for the erection of Public Buildings in said County.

Assembly bill No. 54, An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of like character.

C. DICKINSON,
Secretary of Senate.

Senate bill No. 129, An Act to provide for paying the outstanding Indebtedness of the County of Santa Clara—

Read first and second time, and referred to the Santa Clara delegation.

Senate bill No. 159, An Act to prevent the counterfeiting of Gold Dust, and other species of uncoined Gold—

Read first and second time, and referred to the Judiciary Committee.

On motion of Mr. Baker, 240 copies of Assembly bill No. 262, An Act to create three States out of the territory of California, was ordered printed.

Mr. Kinney moved to make the bill in relation to the State Prison the special order for to-morrow.

Not agreed to.

Assembly bill No. 15, An Act to authorize Hiram D. Scott to construct a Wagon Road from the town of Santa Cruz to the Santa Clara Valley—

Ordered to be placed at the foot of the file.

Assembly bill No. 268, An Act defining the legal settlement of Paupers in the State, and providing for their support—

Indefinitely postponed.

Assembly bill No. 304, An Act to authorize the State Treasurer to issue a duplicate School Land Warrant to George W. Coffee—

Considered engrossed, read third time, and passed.

Assembly bill No. 223, An Act authorizing the construction of a Bridge across Mission Creek—

Substitute was adopted, amended, and ordered engrossed

Assembly bill No. 274, An Act to amend an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19, 1853—

Mr. Ashley's amendment to the 69th section was adopted, and the bill was ordered engrossed

Mr. Meredith made the following report :

Mr. Speaker:

The Joint Committee on Enrollment have examined and find correctly enrolled—
An Act for the relief of Preston K. Woodside.

MEREDITH,
Chairman.

Mr. Moreland made the following report :

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed—

An Act to fund the Debt of the County of San Diego, and to provide for the payment of the same

An Act to provide for the survey and construction of a Wagon Road over the Sierra Nevada Mountains.

An Act to define the northern Boundary Line of Tulare County.

An Act to prohibit the sale of Ardent Spirits within two miles of the State Prison ; and also,

An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in Courts of Justice of this State.

THOS. MORELAND,
Chairman.

Assembly bill No. 287, An Act concerning the County Judge of Sacramento County—

Considered engrossed, read third time, and passed.

Assembly bill No 289, An Act granting Jesse Brush the right to construct a Toll Bridge across the Middle Fork of the Cosumnes river—

Mr. Kinney moved to indefinitely postpone.

Not agreed to.

The bill was placed at foot of the file.

Assembly bill No. 291, An Act concerning Orphans—

Committee amendments concurred in, and ordered engrossed.

Assembly bill No. 241, An Act to appoint a Secretary to Courts of Record—

On motion of Mr. Kinney, indefinitely postponed.

Assembly bill No. 112, An Act to encourage the incorporation of Savings Institutions for Mutual Benefit—

Indefinitely postponed.

House resolved itself into Committee of the Whole, Mr. Ryland in the Chair, to consider Senate bill No 42, An Act to supply a deficiency in the appropriation to provide for the Survey of a portion of the Northern Boundary of this State—

Committee rose, reported, recommended its passage, and were discharged.

The House concurred in the Committee amendments.

Assembly bill No. 272, An Act amendatory of an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1854—

Considered engrossed, read third time, and passed.

Assembly bill No. 158, An Act concerning the payment of Rent of Property seized in Execution, was amended.

Mr Ferrell moved to strike out the enacting clause.

Not agreed to.

Mr. Gober moved to reconsider the vote by which a portion of the bill was struck out.

Agreed to.

Mr. Ryland moved to indefinitely postpone.

Mr Stevenson moved to strike out the enacting clause.

Agreed to.

The following message was received from the Senate :

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on yesterday, pass Senate bill No. 128, entitled An Act to recompense B. B. Redding and Geo. Kerr & Co., for work performed for the State of California during the year 1854.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Senate bill No. 128, reported above—

Read first and second time, and referred to the Committee on Printing.

Mr. Jones offered the following resolution :

Resolved, That all bills now pending in the Assembly be placed on the general file, and that all subsequent business, including reports of committees (except the reports of Engrossing Committees) and Senate bills, be placed on the general file, in the order in which they came before the Assembly, and whenever the consider-

ation of a bill is temporarily postponed, it shall go to the bottom of the file, and the Clerk shall keep a list of the bills, &c., in the order of their introduction to the file.

On motion of Mr. Gober, laid on the table.

Senate bill No. 33, An Act to amend an Act to regulate the settlement of the Estates of Deceased Persons—

Committee amendments concurred in, bill read third time, and passed.

Assembly bill No. 290, An Act amendatory of an Act entitled an Act to create the County of Stanislaus, and define its Boundaries, approved May 3, 1854—

Substitute adopted.

On the engrossment of the bill, Messrs. Amyx, Oxley and Quinn, demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Baker, Bates, Beatty, Bogardus, Boles, Buffum, Burke, Cammet, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Edwards, Ferrell, Flournoy, Foster, Gaylord, Gober, Graves, Gragg, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Lincoln, McCutchan, McConnell, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Rodgers, Rowe, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of Marin, Vineyard, Watkins, Waite, Wells, Whitney, and Mr. Speaker—55.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Adkison, Brown of Nevada, Geller, McCurdy, Oxley, Quinn, and Taliaferro—8.

So the bill was considered engrossed, read third time, and passed.

Assembly bill No. 121, An Act for securing Liens to Mechanics and others—

Committee amendments adopted.

Mr. Stevenson moved to adjourn.

Lost.

Mr. Jones moved to strike out the enacting clause, pending which,

On motion of Mr. Foster, the House adjourned, at 3 o'clock, P. M.

IN ASSEMBLY.

THURSDAY, April 5, 1855.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and the following members were absent :

Messrs. Brown of Contra Costa, Doughty, and Stewart.

Journal of yesterday was read and approved.

Mr. Keys was granted leave of absence for two days.

Mr. Ferguson presented a petition from the citizens of Sierra county, remonstrating against any alteration of the county lines of the county.

Read, and referred to Committee on Counties and County Boundaries.

Mr Updegraff presented a bill for An Act to fund the Debt of the County of Yolo, and provide for the payment of the same

Read first and second time, and referred to Sutter and Yolo delegations.

Mr. Arrington presented a bill for An Act to provide for settling the Boundary Lines between the Counties of Klamath and Trinity Counties.

Read first and second times, and referred to Klamath and Trinity delegations.

Mr. Waite made the following report :

Mr. Speaker :

Your Committee on Claims have considered Senate bill No. 6, An Act for the relief of John F. Hayes; and also, Senate bill No. 124, An Act for the relief of Jesse Sawyer, and are at a loss what sort of a report to make. Nearly every claim that the Committee have recommended to be allowed has been rejected by the House, while some of those recommended to be rejected have been allowed.

Your Committee believe that both of these claims are valid and just, and are desirous that they be allowed; but should the Committee recommend the passage of the bills had under consideration, judging from the fate of relief bills heretofore reported favorably upon by the Committee, the claimants will have to whistle for their pay, while, should the Committee report unfavorably upon the bills, the claimants stand some chance of being paid.

Balanced as your Committee are, between duty to the House and justice to the petitioners, they ask to report the bills back to the House without any recommendation at all.

E. G. WAITE,
Chairman.

We hereby concur in the above report—

H. P. A. SMITH,
W. R. GOBER,
J. G. BREWTON,
H. M. C. BROWN,
Of Committee.

Mr. Meredith made the following report :

Mr. Speaker :

The Joint Committee on Enrollment presented to Gov. Bigler, for his approval, yesterday,

An Act to authorize the Board of Supervisors in and for the County of Sutter to levy a special tax for the erection of Public Buildings in said County ; also,

An Act prescribing the manner of electing United States Senators ; also,

An Act to amend an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851 ; also,

Joint Resolution No. 5, relative to the establishment of Mail Routes in Klamath and Siskiyou Counties, also,

Resolution relative to payment of Pensions ; also,

An Act for the relief of Preston K. Woodside.

H. B. MEREDITH,
Chairman.

April 5, 1855.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, April 4, 1855. }

To the Assembly of California :

I have this day approved the following Acts, which originated in the Assembly, viz :

An Act for the relief of Preston K. Woodside.

An Act authorizing the Board of Supervisors in and for the County of Sutter to levy a special tax for the erection of Public Buildings in said County.

An Act to amend an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

JOHN BIGLER.

The following message was received from the Senate :

SENATE CHAMBER, April 2, 1855.

Mr. Speaker :

I am directed by the Senate to inform the Assembly that the Senate did, on yesterday, pass the following bills :

Senate bill No. 115, An Act concerning the enrollment of Steamboats, and other vessels.

Senate bill No. 14, An Act providing for the payment of Officers holding Elections, and for transmitting returns thereof.

Senate bill No. 135, An Act to enable the Personal Representatives and next of kin of Persons Deceased to maintain suits in certain cases.

Respectfully submitted,

C. DICKINSON,
Secretary Senate.

Senate bill No. 115 An Act concerning the enrollment of Steamboats, and other vessels—

Read first and second time, and referred to Committee on Commerce and Navigation.

Senate bill No. 14, An Act providing for the payment of Officers holding Elections, and for transmitting returns thereof—

Read first and second time, and referred to Committee on Elections.

Senate bill No. 135, An Act to enable the Personal Representatives and next of kin of Persons Deceased, to maintain suits in certain cases—

Read first and second time, and referred to Judiciary Committee.

The following message was received from the Senate :

SENATE CHAMBER, April 4, 1855.

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on yesterday, pass Senate bill No. 160, entitled An Act to provide for the purchase of the San Francisco Law Library for the use of the State.

Respectfully submitted,

C. DICKINSON,

Secretary Senate.

Senate bill No. 160, An Act to provide for the purchase of the San Francisco Law Library for the use of the State—

Read first and second time, and referred to Joint Committee having the subject under consideration heretofore.

The following message was received from the Senate :

SENATE CHAMBER, April 4, 1855.

Mr. Speaker :

I am directed to inform the Assembly, that the Senate did, on yesterday, amend Assembly Concurrent Resolution, relative to the appointment of a Joint Committee on the part of the Senate and Assembly, in relation to the bearing of the Constitution, and statutory enactments relative to Corporations, affecting the free and unrestricted use of capital, and respectfully ask the concurrence of the Assembly.

Respectfully,

C. DICKINSON.

Secretary of Senate.

Assembly Concurrent Resolution above reported—

Senate amendment concurred in.

Mr. Arrington moved to take from the file Assembly bill No. 340, An Act to provide for annulling the contract at present existing between the State of California and James M. Estill, Lessee for the keeping of the State Prison Convicts, made under An Act to provide for securing the State Prison Convicts, passed April 25, 1851, and An Act entitled an Act in relation to State Prison Convicts, passed April 10, 1852.

Made the special order for Tuesday next, April 10, at 11 o'clock, A. M.

Assembly bill No. 244, An Act to provide for the Survey and Construction of a Wagon Road over the Sierra Nevada Mountains—

Read third time.

Mr Gober moved to re-commit the bill, with instructions to strike out \$100,000 and insert \$70,000.

Mr. Kinney moved the previous question.

Sustained.

The question then being, upon the re-commitment of the bill.

Upon which, Messrs. Stow, Johnson, and Andrews, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Adkison, Baker, Beatty, Brown of Nevada, Burke, Chase, Clayton, Cunningham of Sierra, Curtis, Douglas, Ferguson, Gober, Keys, Lincoln, McCurdy, Oxley, Phelps, Quinn, Ryland, Singley, Watkins—22.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Bates, Bogardus, Boles, Brewton, Cammet, Coombs, Cook, Cunningham of El Dorado, Dana, Edwards, Farley, Farwell, Ferrell, Gaylord, Geller, Graves, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCutchan, Mellus, Meredith, Murdock, Rodgers, Rowe, Stevenson, Sherrard, Smith of Marin, Stewart, Taliaferro, Waite, Whitney, and Mr. Speaker—39.

The motion was lost.

The question was then on the passage of the bill.

Upon which, Messrs. Quinn, Oxley, and McCurdy, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Bogardus, Boles, Brewton, Cammet, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Edwards, Farley, Farwell, Ferrell, Ferguson, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, Mellus, Meredith, Moreland, Phelps, Rodgers, Rowe, Ryland, Stevenson, Sherrard, Smith of Marin, Stewart, Updegraff, Vineyard, Waite, and Mr. Speaker—48.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Baker, Beatty, Brown of Nevada, Burke, Chase, Douglas, Jones, Knox, McCurdy, Murdock, Quinn, Stevens, Singley, Taliaferro, and Watkins—16.

So the bill was passed.

Mr. Stevenson moved to re-consider.

Mr. Edwards moved to indefinitely postpone.

Agreed to.

Assembly bill No. 241, An Act to provide for the construction of a Wagon Road from the Sacramento Valley to the Eastern Boundary of this State—

Mr. Amyx moved to place it at foot of the file.

Agreed to.

Assembly bill No. 232, An Act amending an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854—

Indefinitely postponed.

Assembly bill No. 295, An Act amendatory of an Act to regulate Proceedings in Criminal Cases

Assembly bill No. 356, An Act concerning the Punishment for Robbery and Grand Larceny, substitute for Assembly bill No. 295—

Adopted, read third time, and passed

Assembly bill No. 243, An Act amendatory of an Act supplemental to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850—

Mr. Farwell moved to go into Committee of the Whole.

Not agreed to

The bill was amended, considered engrossed, read third time, and passed.

The following communication was received from the Attorney General :

SACRAMENTO, April 4, 1855.

To the Hon. Assembly of the State of California :

I beg leave to call the attention of the Assembly to the following facts :

On the 15th day of August, A D. 1853, the Pacific Mail Steamship Co brought an action in the District Court for the Northern District of California, against John C Hays, Sheriff of the County of San Francisco, for the purpose of recovering a large sum of money paid by it to Hays, under protest, for taxes assessed on its vessels and other property in this State.

Counsel were employed on behalf of the State, to assist Mr. Attorney General Hastings in the District Court, and the Legislature made an appropriation for their payment.

The judgment of the District Court was in favor of the State, and the Steamship Co. appealed to the Supreme Court of the United States, where it became necessary to engage other counsel for the State. Accordingly, Hon. Milton S. Latham was retained (by the Governor, I believe,) to attend to the interest of the State at Washington ; and taking into consideration the vast importance and magnitude of the case, he (Mr Latham) thought it his duty to call to his assistance Messrs. May and Brent, two eminent members of the Bar of the Supreme Court.

Judging from a copy of the brief filed by these gentlemen, now in my possession, I infer that the case was ably and elaborately argued for the State, and that there is little doubt of its finally resulting in her favor.

The appropriation formerly made by the Legislature has been exhausted in paying those who appeared for the State in the Courts below. Good faith and justice require that Mr. Latham, and those associated with him in the Supreme Court, should be recompensed for their services. The amount demanded by them, (three thousand dollars,) I consider extremely reasonable and moderate, and therefor

earnestly recommend the appropriation of that amount, for the purpose of paying them.

J R. McCONNELL,
Attorney General.

Read, and referred to Committee on Claims.

Assembly bill No. 121, An Act for securing Liens to Mechanics, and others—
Amended, considered engrossed, read third time, and passed

Assembly bill No 85, An Act supplementary to an Act entitled an Act concerning the Office of Reporter, passed April 13, 1859, and An Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Office of Reporter, passed April 13, 1859, passed May 3, 1854—

Substitute adopted.

Assembly bill No. 355, An Act to provide for the Appointment of a Reporter of the Supreme Court, and for the publication of the same.

Mr Edwards moved to strike out the word "Governor," where it occurs in section 1, and insert "Justices of the Supreme Court."

Agreed to.

Mr. Tabarero moved to reconsider.

Not agreed to.

House resolved itself into Committee of the Whole, Mr. Baker in the chair, to consider the bill

Committee arose, reported, and were discharged

The bill was ordered engrossed

Mr. Palmer made the following report

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed—

An Act to establish a permanent boundary line between the Counties of Stanislaus and Tuolumne, also,

An Act amendatory of an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, also,

An Act to authorize the State Treasurer to issue a Duplicate School Land Warrant to George W. Coffey; also,

An Act to incorporate the Town of El Dorado; also,

An Act concerning the County Judge of Sacramento County; also,

An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1855; also,

An Act concerning the organization of the Militia.

J W D. PALMER,
Of Committee.

Assembly No. 257, An Act to amend an Act entitled an Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin—

Read third time and passed

Assembly bill No 253. An Act for the relief of Citizens of Klamath County who have been engaged in subduing Indian Hostilities in said county.

House resolved itself into Committee of the Whole, Mr Oxley in the Chair, to consider the bill—

Rose, reported, and were discharged.

House concurred in Committee amendments, bill read third time and passed.

Assembly bill No. 265, An Act to establish the Salaries of the Judges of the Thirteenth and Fifteenth Judicial Districts, and to define the times of holding Courts in said district.

Amended

Mr. Douglas moved to place at the foot of the file.

Agreed to.

Assembly bill No. 274, An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853—

Read third time, and passed.

Assembly bill No. 220, An Act to create Pajaro County—

Mr. Gober moved to indefinitely postpone.

Upon which, Messrs. Ashley, Ryland, and Stow, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Bogardus, Boles, Brewton, Buffum, Clayton, Cook, Covarrubias, Curtis, Farley, Gaylord, Geller, Gober, Gragg, Hosmer, Johnston of San Francisco, Kinney, Mellus, Moreland, Palmer, Phelps, Quinn, Rowe, Ryland, Stevens, Singley, Smith of El Dorado, Smith of Marin, Stewart, Watkins, Waite—32.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Ashley, Beatty, Burke, Cory, Edwards, Graves, Hunt, Jones Keys, McCutchan, McCurdy, Meredith, Murdock, Oxley, Wells, and Mr. Speaker—17.

Agreed to.

On motion of Mr. Farley, the House adjourned at forty-five minutes past 2 o'clock, P. M.

IN ASSEMBLY.

FRIDAY, April 6, 1855.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and the following members were absent :

Messrs. Coombs, Gragg, McConnell and Wells.

On motion, indefinite leave was granted to Messrs. Coombs, and Wells, on account of sickness, and one day's leave to Mr. McConnell.

Journal of yesterday was read and approved.

Assembly bill No. 127, An Act amending an Act entitled an Act dividing the State into Counties and establishing the Seat of Justice therein.

The question was on the recommendation of the Committee to indefinitely postpone the bill.

Lost.

Mr. Taliaferro moved to lay on the table.

Not agreed to.

The bill was ordered engrossed.

Senate bill No. 116, An Act for the Relief of B. Wing and W. H. Williamson.

Mr. Quinn moved to strike out the last section of the bill.

Agreed to

Read third time and passed.

Senate bill No. 99, a bill for An Act to create the County of Merced, to define its Boundaries, and provide for its Organization.

Mr. Baker moved to strike out fifth and insert thirteenth in the sixteenth section. Also, to strike out that portion of same section relative to time of holding Courts.

Mr. Jones moved to strike out the enacting clause.

Mr. Stevenson moved to adjourn, whereupon

Messrs. Ashley, Baker and Ryland demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Adkison, Beatty, Brown of Nevada, Burke, Cunningham of Sierra, Curtis, Douglas, Edwards, Farley, Flournoy, Foster, Ferguson, Gaver, Gaylord, Hosmer, Hunt, Johnston of San Francisco, Jones, Kinney, Lincoln, McCurdy, Mellus, Meredith, Murdock, Oxley, Palmer, Rodgers, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Updegraff, Mr. Speaker—36.

Those who voted in the negative were—

NOTES.

Messrs. Andrews, Amyx, Ashley, Baker, Bogardus, Boles, Buffum, Cory, Clayton, Cook, Covarrubias, Dana, Doughty, Farwell, Ferrell, Gober, Graves, Johnson of El Dorado, Phelps, Quinn, Ryland, Stevens, Watkins, Whitney—24.

So the motion was sustained and the House adjourned at ten minutes before twelve, M.

IN ASSEMBLY.

SATURDAY, April 7, 1855.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called and the following members were absent :

Messrs Brown, Buffum, Cammet, Cunningham of El Dorado, Geller, Gragg, Hunt, Keys and Taylor.

On motion, Messrs Buffum, Cunningham and Hunt were each granted leave of absence for two days.

The Journal of yesterday was read and approved.

Mr Johnston of San Francisco presented a remonstrance from the citizens of San Francisco county against the division of said county.

Referred to Committee on Counties and County Boundaries.

Mr. Edwards, Chairman, made the following report :

Mr. Speaker :

The Committee on the Judiciary have considered Assembly bill No. 308, entitled An Act to legalize Proceedings in the different Courts of this State which have been established by Act of the Legislature, with Jurisdiction in Cases of more than Two Hundred Dollars, and recommend its indefinite postponement ; also,

Assembly bill No. 284, entitled An Act to legalize Acts of the Courts of Sessions in certain Courts of this State and for other purposes, and recommend its indefinite postponement ; also,

Assembly bill No. 316, entitled An Act in relation to Escheats, and recommend its indefinite postponement ; also,

Assembly bill No. 348, entitled An Act amendatory of and supplementary to an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851, and recommend its passage, without amendment ; also,

Assembly bill No. 345, entitled an Act, to enforce the Collection of Claims against Persons violating or who may violate the Provisions of an Act entitled

an Act to License Gaming, passed March 14, 1851, and recommend its passage ; also,

Senate bill No. 159, entitled An Act to prevent the Counterfeiting of Gold Dust and other species of Uncoined Gold, and recommend its passage, without amendment.

Respectfully, &c.,

EDWARDS,

Chairman.

Mr Burke made the following report .

Mr. Speaker :

The Judiciary Committee, to whom was referred the bill entitled An Act to authorize the Attorney General to prosecute Suits in the Name of the State, ask leave to report the same back, with the following amendments :

First, amend the title by striking out all after the words " An Act to authorize," and insert " the Prosecution of Suits in the Name of the State of California to recover Lands belonging to the State and held adversely by other Persons."

Second, strike out second section.

Third, prefix the title to the bill.

BURKE,

Of Committee.

Mr. Farwell, Chairman, made the following report :

Mr. Speaker :

The Committee on Printing, to whom was referred Senate bill No. 128, An Act to recompense B. B. Redding and George Kerr & Co., for Work performed for the State of California during the year 1854, having examined the same, together with the accompanying affidavits, report back to the House and recommend the passage of the bill.

Respectfully,

FARWELL,

Chairman.

Mr. McCutchan made the following report :

Mr. Speaker :

The Committee on Accounts and Expenditures have had under consideration Senate bill No. 56, An Act to authorize the Controller of State to issue a Duplicate Warrant to S. H. Marlette, and authorize me to report the same and recommend its passage.

McCUTCHAN,

Of Committee.

Mr. Flournoy moved to consider Senate bill No. 128, An Act to recompense B. B. Redding and George Kerr & Co. for Work performed for the State of California during the year 1854.

Messrs. Watkins, Johnston of San Francisco, and Brown of Nevada demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs Amyx, Arrington, Ashley, Baker, Beatty, Bogardus, Brewton, Brown of Nevada, Cory, Chase, Clayton, Covarrubias, Curtis, Dana, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Graves, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Knox, McConnell, McCurdy, Mellus, Meredith, Moreland, Murdock, Phelps, Rodgers, Rowe, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Waite and Whitney—48.

Those who voted in the negative were—

NOES.

Messrs Andrews, Adkison, Bates, Burke, Cook, Cunningham of El Dorado, Gober, Gragg, McCutchan, Palmer, Quinn, Ryland, Updegraff, Watkins and Mr. Speaker—15.

Agreed to.

The House resolved itself into Committee of the Whole to consider the bill, Mr. Ashley in the Chair.

Committee rose, reported and were discharged.

Mr. Stow moved to strike out the enacting clause of the bill, upon which,

Messrs. Flournoy, Stow and Brown of Nevada demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Coombs, Cunningham of El Dorado, Gaylord, Gober, Gragg, Lincoln, McCutchan, Quinn, Rowe, Watkins, Waite and Mr. Speaker—13.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Ashley, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Cory, Chase, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Graves, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCurdy, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Rodgers, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Updegraff, Vineyard and Whitney—53.

So the motion was lost.

The question being upon the passage of the bill,

Messrs. Stow, Covarrubias, and Gober demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Ashley, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Cory, Chase, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Farwell, Flournoy, Foster, Ferguson, Gaver, Graves, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCurdy, Mellus, Meredith, Mereland, Palmer, Phelps, Rodgers, Sherrard, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Updegraff, Vineyard and Whitney—45.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Cook, Cunningham of El Dorado, Farley, Ferrell, Gaylord, Gober, Gragg, Lincoln, McCutchan, Murdock, Quinn, Rowe, Stevenson, Singley, Watkins, Waite and Mr. Speaker—18.

So the bill passed.

Mr. Flournoy moved the reconsideration of the vote just taken.

Mr. Johnston of San Francisco moved to indefinitely postpone the motion.

Agreed to.

Mr. Beatty moved to consider Senate bill No. 56.

Agreed to.

Senate bill No. 56, An Act to authorize the Controller of State to issue a Duplicate Warrant to S. H. Marlette.

Read third time and passed.

Mr. Graves made the following majority report :

Mr Speaker :

The majority of the Committee on Counties and County Boundaries, to whom was referred the bill for An Act to adjust the Joint Indebtedness of Calaveras and Amador Counties, and to provide for the Apportionment of the same between said Counties, have had the same under consideration, report it back to the House, and recommend its indefinite postponement, for the following reasons :

First, the indebtedness proposed to be divided between said counties was incurred prior to the division of the territory of Calaveras county, as provided for in an Act of 1854, and the organization of Amador county out of a portion of its territory. The indebtedness, therefore, belongs exclusively to Calaveras, and cannot, in law, be regarded as a joint indebtedness between Calaveras and Amador ; and Amador county cannot assume any portion of said debt so as to relieve Calaveras county from a responsibility of the whole.

Second, the nineteenth section of an Act passed May 11, 1854, giving to the people of Calaveras county the right to vote for or against division of said county, and to organize the county of Amador, provided, or intended to provide for the settlement of this matter between old and new counties, by directing the appointment, by each of said counties, of two Commissioners, for the purpose of ascertaining the amount of indebtedness of Calaveras county ; and said law directs that "when the indebtedness is ascertained, the Commissioners shall

determine what proportion shall be justly chargeable to Amador County, by the assessment roll of taxable property of 1854, for which amount the Court of Sessions of Amador county shall issue a warrant on its treasury, payable out of one half of the first funds which may come into its possession belonging to the county." It is plain, then, that the amount which the Commissioners should determine as due from the new to the old county, the latter had a right to demand as soon as ascertained. But the Commissioners failed to meet and perform the duties assigned them in said law, and the Court of Sessions of Calaveras county, to whom was delegated the alternative power of settling the matter, in the event that the Commissioners should fail to do so, was effectually prevented from so doing by a subsequent decision of the Supreme Court ruling the Courts of Sessions out of jurisdiction in all matters pertaining to the fiscal affairs of the counties. The settlement of this matter has thus been delayed, with a heavy debt hanging over the old county of Calaveras, awaiting the passage of a law to carry out the provisions of the law of 1854.

The Committee regard the law above referred to as embracing the terms of contract or agreement between the people of said county, for a division of its territory and the creation of Amador county, and good faith towards the people of the old county of Calaveras requires should be observed. •

Learning that a bill has been introduced into the Senate embodying the views of a majority of this Committee, they would recommend the indefinite postponement of the bill under consideration.

W. J. GRAVES,
S. B. STEVENS,
E. H. GAYLORD.

Mr. Moreland, Chairman, made the following report :

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed An Act concerning Orphans; also,

An Act to authorize the Construction of a Bridge across Mission Creek ; also,

An Act to amend an Act entitled an Act to provide for the Construction of a Canal from the Tulare Lake to the Waters of the San Joaquin, approved May 12, 1853; also,

An Act to amend an Act to provide Revenue for the Support of the Government of this State, passed May 15, 1854.

MORELAND,
Chairman.

Mr. Douglas made the following report :

Mr Speaker :

The undersigned, members of the Committee on Public Lands, have had under consideration Senate bill No. 134, and respectfully report it back to the House without recommendation.

JOHN DOUGHTY,
J. C. JOHNSON,
D. F. DOUGLAS,
E. A. STEVENSON,
J. M. COVARRUBIAS.

Mr. Sherrard made the following report :

Mr. Speaker :

The delegations from Sutter and Yolo, to whom was referred Assembly bill No. 357, entitled An Act to fund the Debt of the County of Yolo and provide for the Payment of the same, have had the bill under consideration, and report the same back to the House and most respectfully recommend its passage.

SHERRARD.

Mr. Ryland, Chairman, made the following report :

Mr. Speaker :

The Committee to whom was referred Assembly bill No. 133, for an Act to encourage the Construction of a Railroad and Telegraph Line from the Bay of San Francisco to the Eastern Line of the State of California, have considered the same, report it back without recommendation and ask to be discharged.

RYLAND,
Chairman.

The following message was received from the Senate :

SENATE CHAMBER, April 5, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have, on this day, passed Senate bill No. 179, entitled An Act to adjust the amount of Indebtedness of the County of Amador to the County of Calaveras and to provide for Payment thereof.

C. DICKINSON,
Secretary Senate.

Senate bill No. 179, reported above.

Read first and second time and referred to the Amador and Calaveras delegations.

The following message was received from the Senate :

SENATE CHAMBER, April 6, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on yesterday, pass Senate bill No. 137, An Act to amend the 31st Section of an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1854; also,

Assembly bill No. 342, An Act to prohibit the sale of Ardent Spirits within two miles of the State Prison; also,

Senate bill No. 177, entitled An Act concerning the Escape of Convicts of the State Prison; also,

Senate bill No. 153, substitute for Assembly bill No. 250, An Act to provide for the Settlement of the Affairs of the State Marine Hospital at San Francisco, and to dispose of the Property belonging to the same.

C. DICKINSON,
Secretary of Senate.

Senate bill No. 137, reported above.

Read first and second time and referred to Committee on Commerce and Navigation.

On motion, Mr. Smith of Marin was granted leave of absence for two days.

Senate bill No. 177, reported above.

Read first and second time and referred to Committee on State Prison.

Senate bill No. 153, reported above.

Read first and second time and referred to select Committee of three—Messrs. Bates, Jones and Oxley.

The following communication was received from the Sergeant-at-Arms :

SACRAMENTO, April 3, 1855.

To the Hon. the Speaker of the Assembly :

In obedience to a resolution of the Assembly, I called on Messrs. Hiller & Andrews and requested them to remove the clock in the Assembly chamber. Messrs. Hiller & Andrews refuse to take back the clock. They say the Secretary of State ordered a clock for the Assembly chamber, and the clock in question was ordered from New York. They warrant the clock to be a good time-keeper. It being new, it requires some little attention, which they are and intend bestowing.

Very respectfully,

B. McALPIN,
Sergeant-at-Arms.

Mr. Kinney offered the following resolution :

Resolved, That, from and after Monday, the 9th inst., the morning hour of meeting at the Assembly shall be at nine o'clock, A. M., unless some other hour be specified at the time of adjournment.

Laid on the table.

Assembly bill No. 118, An Act to amend an Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850, was, on motion of Mr. Murdock, taken from the table and placed on file.

On motion of Mr. Farwell, Senate bill No. 97, a bill for An Act to authorize the Board of Supervisors of San Francisco County to allow and settle the Claim arising out of the Purchase of certain Property in said County known as the Laffan and Gillespie Purchase, was taken from the table and referred to the Alameda and San Francisco delegations.

Mr. Brown of Nevada moved to adjourn, upon which,

Messrs. Gober, Quinn and Watkins demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Bates, Beatty, Brewton, Brown of Nevada, Cook, Covarrubias, Curtis, Farley, Ferrell, Foster, Gaver, Gaylord, Graves, Gragg, Hosmer, McCurdy, Mellus, Meredith, Rowe, Singley, Smith of El Dorado, Smith of Marin, Stewart and Mr. Speaker—24.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Baker, Bogardus, Boles, Burke, Cory, Clayton, Douglas, Doughty, Gober, Johnson of El Dorado, Jones, Kinney, Lincoln, McCutchan, Murdock, Palmer, Quinn, Ryland, Stevens, Watkins and Waite—22.

So the House adjourned at one o'clock P. M.

IN ASSEMBLY.

MONDAY, April 9, 1855.

House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called, and the following members were absent :

Messrs. Andrews, Arrington, Adkison, Beatty, Boles, Brown of Contra Costa, Brown of Nevada, Cammet, Chase, Coombs, Covarrubias, Cunningham of Sierra, Cunningham of El Dorado, Curtis, Flournoy, Foster, Ferguson, Gaver, Geller, Hosmer, Hunt, Johnston of San Francisco, Keys, Kinney, McConnell, McCurdy, Oxley, Rodgers, Stevenson, Sherrard, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, and Whitney.

On motion, Mr. Sherrard was granted indefinite leave of absence.

Mr. Ashley moved a call of the House.

Agreed to.

Roll called, and the following members were absent :

Messrs. Andrews, Arrington, Adkison, Beatty, Boles, Brown of Contra Costa, Brown of Nevada, Buffum, Cammet, Chase, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Flournoy, Foster, Ferguson, Gaver,

Geller, Hosmer, Hunt, Johnston of San Francisco, Keys, Kinney, McConnell, McCurdy, Oxley, Rodgers, Stevenson, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, and Whitney.

The Sergeant-at-Arms was despatched for absentees.

Mr. Rowe moved that further proceedings under the call of the House be dispensed with.

Not agreed to.

Mr. Farwell moved that further proceedings under the call of the House be dispensed with.

Not agreed to.

On motion, Mr. Boles was admitted and excused.

Mr. Burke moved that further proceedings under the call of the House be suspended.

Not agreed to

On motion, Mr. Adkison was admitted and excused.

Mr. Watkins moved to suspend further proceedings under the call of the House.

Agreed to.

The Journal of Saturday was read and approved.

Mr. Farley presented a bill for An Act to define the Boundaries of Amador County, and establish the County Seat.

Read first and second time, and referred to Committee on Counties and County Boundaries.

Mr. Murdock presented a bill for An Act to authorize John M. Vance, and such others as he may associate with him, to build a Wharf at Eureka, Humboldt Co.

Read first and second time, and referred to Committee on Commerce and Navigation.

Mr. Ferrell presented a bill for An Act to authorize the Board of Trustees of the City of San Diego, to convey to the President and Board of Directors of the San Diego and Gila Southern Pacific and Atlantic Railroad Company, two leagues of the Pueblo Lands, to aid in the construction thereof.

Read first and second time, and referred to Judiciary Committee.

Mr. Bates made the following report :

Mr. Speaker:

The select Committee, to whom was referred Senate bill No. 153, as a substitute for Assembly bill No 250, An Act to provide for the Settlement of the Affairs of the State Marine Hospital at San Francisco, and to dispose of the property belonging to the same, have had the same under consideration, and recommend its passage.

BATES,
Chairman.

Mr. Meredith made the following report :

Mr. Speaker:

The Joint Committee on Enrollment have examined, and find correctly enrolled—
An Act authorizing the Board of Supervisors of Napa county to levy a Tax for certain purposes ; also,

An Act to change the time of holding the different Courts authorized to be held by the County Judge of the County of Yolo ; also,

An Act to authorize the payment of the rent of the Court House in Sacramento county ; also,

An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850 ; also,

An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 15, 1854 ; also,

An Act amendatory of and supplemental to an Act entitled an Act defining the Legal Distances from each County Seat in the State of California to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin, passed May 15, 1854 ; also,

An Act to authorize the Board of Supervisors in and for the County of Marin to levy a Special Tax for the erection of Public Buildings in said County ; also,

An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of a like character ; also,

An Act to regulate Fees in Office ; also,

An Act entitled an Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853.

H. B. MEREDITH,

Chairman.

Mr. Burke made the following report :

Mr. Speaker :

The Committee on Indian Affairs, to whom was referred the bill entitled An Act directing the manner in which the money due this State from the General Government on the Indian War Claims shall be applied, have had the same under consideration, and now report the same back, and recommend that it be indefinitely postponed.

E. BURKE,

Chairman.

Mr. Ryland made the following report :

Mr. Speaker :

The Committee on Internal Improvements, to whom was referred Assembly bill No. 211, for An Act to construct a Wagon Road from San Bernardino to Stockton via. Los Angeles and Tejon Pass, having had the same under consideration, beg leave to report the same back, and recommend its indefinite postponement.

C. T. RYLAND,

Chairman.

Mr. Gober made the following report :

Mr. Speaker :

The Select Committee, to whom was referred Senate bill No. 160, An Act to

provide for the purchase of the San Francisco Law Library for the use of the State, have considered the same, report it back to the House, and recommend its passage.

W. R. GOBER,
Chairman.

Placed on file, with similar reports.

Mr. Gober made the following report :

Mr. Speaker :

The Select Committee, to whom was referred Senate bill No. 129, An Act to provide for paying the outstanding Indebtedness of the County of Santa Clara, have had the same under consideration, and beg leave to report it back, and recommend its passage, without amendment.

W. R. GOBER,
C. T. RYLAND.

Senate bill No. 129, An Act to provide for paying the outstanding Indebtedness of the County of Santa Clara—

Read third time, and passed.

Mr. Farwell verbally reported Assembly bill No. 358, An Act to amend an Act entitled an Act to exempt Firemen from Militia Service and Jury Duty, passed March 25, 1855.

Read first and second time, considered engrossed, read third time, and passed.

On motion of Mr. Burke, Assembly bill No. 56, An Act for the ascertainment of the Debt of Calaveras county, and the apportionment of the same, was taken from the table, and placed on file.

Assembly bill No. 291, An Act concerning Orphans—

Read third time and passed.

Assembly bill No. 223, An Act to authorize the construction of a Bridge across Mission Creek—

Read third time and passed.

Senate bill No. 97, a bill to be entitled An Act to create the County of Merced, to define its Bonndaries, and provide for its Organization—

Read third time, and upon its passage, Messrs. Baker, Watkins, and Foster, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Adkison, Baker, Bogardus, Brewton, Burke, Chase, Clayton, Cunningham of Sierra, Douglas, Doughty, Farley, Farwell, Ferrell, Foster, Gaver, Kinney, Murdock, Palmer, and Rowe—19.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Ashley, Boles, Cory, Cook, Curtis, Dana, Edwards, Gaylord, Gragg, Jones, Lincoln, McCurdy, Mellus, Meredith, Phelps, Quinn, Ryland, Stevens, Singley, Smith of El Dorado, Watkins, Waite, and Mr. Speaker—25.

So the bill was lost.

Mr. Amyx gave notice that he would move a reconsideration of the vote just taken on to-morrow.

Assembly bill No. 303, An Act to divide the County of El Dorado—

A substitute was adopted, considered engrossed, read third time, and passed.

Assembly bill No. 285, An Act amendatory of an Act entitled an Act relating to Port Wardens in San Francisco, Sacramento, and other ports in California, passed March 19, 1853—

Amended, and ordered engrossed.

Petitions for the relief of Dwight Spruce, San Jose, Dr. Ormsby, and William McNees, were indefinitely postponed.

Assembly bill No. 306, An Act to provide for the extinguishment of the Indebtedness present and accruing of the County of Monterey—

Considered engrossed, read third time, and passed.

Assembly bill No. 88, An Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State—

Substitute adopted, and was made the special order for Wednesday next.

Assembly bill No. 23, An Act concerning Estrays—

Upon which, the House resolved itself into Committee of the Whole, Mr. Gober in the chair.

The Committee rose, reported with amendments, recommended its passage, and were discharged.

House concurred in Committee amendments, the bill was further amended, and ordered engrossed.

Mr. Doughty moved to adjourn.

Upon which, Messrs. Ashley, Watkins, and Jones, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Bates, Bogardus, Brewton, Buffum, Chase, Cunningham of Sierra, Curtis, Doughty, Farley, Ferrell, Foster, Gaver, Gaylord, Gragg, McCutchan, McCurdy, Mellus, Meredith, Murdock, Rowe, Stevenson, Sherrard, Smith of El Dorado, Stewart, Updegraff, and Mr. Speaker—27.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Ashley, Baker, Beatty, Cory, Clayton, Covarrubias, Dana, Douglas, Edwards, Farwell, Geller, Graves, Johnson of El Dorado, Jones, Keys, Knox, Moreland, Palmer, Phelps, Quinn, Ryland, Stevens, Watkins, and Waite—25.

So the House adjourned at 12 o'clock and forty-five minutes, P. M.

IN ASSEMBLY.

TUESDAY, April 10, 1855.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and the following members were absent :

Messrs. Geller and Ryland.

On motion, Mr. Geller was granted leave of absence for two days and Mr. Ryland for one day.

Journal of yesterday was read and approved.

Mr. Graves introduced a bill for An Act to regulate the Interest of Money and to prevent the Loaning of Money at Usurious Interest.

Mr. Hosmer, Chairman, made the following report :

Mr. Speaker:

The Committee on Elections, to whom was referred Senate bill No. 14, An Act providing for the Payment of Officers holding Elections and for transmitting Returns thereof, have considered the same and recommend an amendment to the first section; also, an additional section excepting certain counties from the provisions of the bill, and, as amended, they recommend the passage of the bill.

HOSMER,
Chairman.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment presented to Governor Bigler for his approval, this day, An Act authorizing the Board of Supervisors of Napa County to levy a Tax for certain purposes; also,

An Act to change the Time of holding the different Courts authorized to be held by the County Judge of the County of Yolo; also,

An Act to authorize the Payment of the Rent of the Court House in Sacramento County; also,

An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850; also,

An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 15, 1854; also,

An Act amendatory of and supplemental to an Act entitled an Act defining the Legal Distances from each County Seat in the State of California to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton and the State Prison at San Quentin, passed May 15, 1854; also,

An Act to authorize the Board of Supervisors in and for the County of

Marin to levy a Special Tax for the Erection of Public Buildings in said County; also,

An Act to prohibit Lotteries, Raffles, Gift Enterprises and other Schemes of a like character; also,

An Act to regulate Fees in Office; also,

An Act entitled an Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853.

H. B. MEREDITH,
Chairman.

Mr. Clayton made the following report:

Mr. Speaker:

The Committee to whom was referred Assembly bill No. 349, have had the same under consideration and report it back to the House and respectfully recommend its passage.

CLAYTON,
Of Committee.

Mr. Clayton made the following report :

Mr. Speaker :

The Committee to whom was referred Assembly bill No. 353, have had the same under consideration, and herewith report a substitute for said bill and respectfully recommend its adoption.

CLAYTON,
Of Committee.

Mr. Dana introduced a resolution relative to the correction of the enrolled copy of the Fee Bill.

Mr. Clayton introduced a joint resolution relative to the construction and improvement of military post roads across the plains.

Read first and second time and referred to select Committee of five—Messrs. Clayton, Whitney, Smith of El Dorado, Andrews and McCutchan.

Mr. Moreland made the following report :

Mr. Speaker:

The Committee on Engrossment have examined and find correctly engrossed An Act amendatory of and supplementary to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850; also,

An Act concerning the Punishment for Robbery and Grand Larceny; also,

An Act to provide for the Appointment of a Reporter of the Decisions of the Supreme Court and for the Publication of the same; also,

An Act amending an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein; also,

An Act for the Relief of Citizens in Klamath County who have been engaged in subduing Indian Hostilities in said County; also,
An Act for securing Liens to Mechanics and others.

MORELAND,

Chairman.

Mr. Amyx, according to notice given yesterday, moved a reconsideration of a vote taken on yesterday, by which Senate bill No. 99, a bill to be entitled An Act to create the County of Merced, to define its Boundaries and provide for its Organization, was lost.

The vote was reconsidered.

Messrs. Amyx, Beatty and Douglas demanded the ayes and noes on the passage of the bill, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Arrington, Adkison, Baker, Bates, Beatty, Bogardus, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Clayton, Cunningham of El Dorado, Curtis, Douglas, Doughty, Farley, Ferrell, Flournoy, Ferguson, Graves, Johnston of Francisco, Kinney, Murdock, Rowe, Stevens, Sherrard, Smith of Marin, Stewart, Taliaferro, Updegraff, Wells, Whitney and Mr. Speaker—36.

Those who voted in the negative were—

NOES.

Messrs. Ashley, Cory, Cook, Edwards, Gaylord, Gober, Jones, Keys, Lincoln, McCutchan, McCurdy, Mellus, Meredith, Moreland, Oxley, Phelps, Quinn, Stevenson, Singley, Smith of El Dorado, Watkins and Waite—23.

So the bill passed.

Assembly bill No. 127, An Act amending an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein.

Read third time and lost.

Mr. Bates gave notice of re-consideration.

On motion of Mr. Wells, the House resolved itself into Committee of the Whole on special orders, Mr. Wells in the Chair.

Assembly bill No. 340, An Act to provide for annulling the Contract at present existing between the State of California and James M. Estill, Lessee for the keeping of the State Prison Convicts, made under an Act entitled an Act to provide for securing the State Prison Convicts, passed April 25, 1851, and an Act entitled an Act in relation to State Prison Convicts, passed April 25, 1851, and an Act entitled an Act in relation to State Prison Convicts, passed April 10, 1852.

The Committee made amendments, reported progress and were discharged.

House non-concurred in Committee amendments.

The bill was farther amended.

On the engrossment of the bill,

Messrs. Waite, Moreland and Bogardus demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Brewton, Brown of Nevada, Buffum, Chase, Clayton, Coombs, Covarrubias, Cunningham of Sierra, Curtis, Dana, Doughty, Edwards, Farwell, Flournoy, Foster, Gober, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCutchan, McCurdy, Mellus, Meredith, Oxley, Phelps, Rodgers, Rowe, Stevenson, Smith of Marin, Stewart, Taylor, Vineyard, Wells, Whitney and Mr. Speaker—40.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Adkison, Bates, Beatty, Bogardus, Boles, Brown of Contra Costa, Cory, Cook, Cunningham of El Dorado, Ferrell, Ferguson, Gaylord, Graves, Gragg, Keys, Lincoln, Moreland, Murdock, Palmer, Quinn, Stevens, Singley, Smith of El Dorado, Updegraff, Watkins and Waite—28.

So the bill was ordered engrossed.

Mr. Stevenson moved to adjourn, pending which,

Mr. Meredith, the Chairman on enrolled bills, asked leave to make a report, which the Chair decided to be in order.

Mr. Stevenson appealed from the decision of the Chair.

The decision of the Chair was sustained.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment have had under consideration the following concurrent resolution, which passed the Assembly this day, viz :

Resolved, That the Enrolling Committee be instructed to meet the Committee on Enrollment of the Senate, and correct the enrolled copy of the Fee Bill, so as to make the fifty-eighth section refer intelligibly to the fifty-first and fifty-second sections instead of the twelfth and thirteenth, as now enrolled.

Your Committee would respectfully suggest that they have examined the above Fee Bill, found it correctly enrolled and reported accordingly. Your Committee would further suggest that if there are any errors in the Fee Bill, or if it is unintelligible in any part, the authors of the bill are accountable for it, and not the Enrolling Committee, as would appear from the above resolution; therefore, your Committee respectfully decline to act as instructed by the above resolution.

H. B. MEREDITH,
Chairman Assembly Committee.

W. B. NORMAN,
Chairman Senate Committee.

Mr. Smith of Marin gave notice of reconsideration of the vote by which Assembly bill No. 129 was lost.

Mr Smith moved to adjourn.

Messrs. Stevenson, Stow and Oxley demanded the ayes and noes with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Bates, Beatty, Brewton, Buffum, Cory, Chase, Clayton, Cook, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Douglas, Doughty, Ferguson, Gaylord, Graves, Kinney, McCutchan, McCurdy, Meredith, Murdock, Oxley, Palmer, Quinn, Smith of Marin, Taliaferro, Waite, Wells, Whitney and Mr. Speaker—31.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Adkison, Baker, Bogardus, Boles, Brown of Contra Costa, Brown of Nevada, Coombs, Covarrubias, Dana, Edwards, Farley, Ferrell, Flournoy, Foster, Gaver, Gober, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Lincoln, Mellus, Moreland, Phelps, Rodgers, Rowe, Stevens, Stevenson, Singley, Smith of El Dorado, Stewart, Updegraff, Vineyard and Watkins—38

So the House refused to adjourn.

The following message was received from the Senate :

SENATE CHAMBER, April 17, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate, this day, passed Assembly bill No 239, An Act to amend an Act entitled an Act defining the Time for commencing Civil Actions, passed April 22, 1850, with amendments thereto, in which the concurrence of the Assembly is requested.

C. DICKINSON.

Secretary of Senate.

Assembly bill No. 239, reported above.

Mr. Kinney moved to adjourn.

Not agreed to.

The question being on concurring in Senate amendments,

Mr. Oxley called for the reading of the bill, which the Chair decided in order.

Mr. Burke appealed from the decision of the Chair.

Mr. Flournoy moved the previous question.

Sustained.

The question then recurred upon the appeal from the decision of the Chair.

The decision of the Chair was sustained.

Senate amendments were concurred in.

Mr. Cammet moved to adjourn.

Messrs. Brown of Nevada, Cammet and Chase demanded the ayes and noes with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Adkison, Baker, Bates, Beatty, Bogardus, Boles, Buffum, Burke, Cammet, Cory, Clayton, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Douglas, Farwell, Ferrell, Flournoy, Graves, Hosmer, Johnson of El Dorado, Lincoln, Murdock, Oxley, Phelps, Smith of Marin, Taylor, Updegraff, Watkins, Waite, Wells, Whitney and Mr. Speaker—37.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Brewton, Brown of Contra Costa, Brown of Nevada, Chase, Coombs, Farley, Foster, Gaver, Gaylord, Gober, Gragg, Johnston of San Francisco, Keys, Kinney, McCutchan, McCurdy, Mellus, Meredith, Moreland, Palmer, Quinn, Rodgers, Rowe, Stevens, Stevenson, Singley, Smith of El Dorado, Stewart, Taliferro and Vineyard—30.

So the House adjourned at four o'clock and fifteen minutes, P. M.

IN ASSEMBLY.

WEDNESDAY, April 11, 1855:

House met pursuant to adjournment.

Speaker in the Chair.

Roll called, and the members all present, except those absent on leave.

The Journal of yesterday was read and approved.

Mr. Baker presented two accounts in favor of Messrs. Mansfield, Patrick & Co., against the State, for \$396.

Referred to Committee on Accounts and Expenditures.

On motion, Mr. Edwards was granted leave to introduce a bill for An Act to purchase the Portrait of Maj. General John Augustus Sutter.

Read first and second time.

Mr. Arrington moved to lay on the table.

Lost.

Mr. Mellus moved to refer to Committee of the Whole.

Upon which, Messrs. Watkins, Amyx, and Cammet, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Adkison, Bates, Brewton, Brown of Nevada, Buffum, Cammet, Clayton, Coombs, Cunningham of Sierra, Curtis, Dana, Douglas, Edwards, Farwell, Flournoy, Foster, Gaylord, Johnson of El Dorado, Keys, Kinney, McCurdy, Mellus, Meredith, Oxley, Rowe, Sherrard, Smith of Marin, Stewart, Taylor, Wells, Whitney, and Mr. Speaker—34.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Baker, Beatty, Bogardus, Boles, Brown of Contra Costa, Cory, Cook, Cunningham of El Dorado, Doughty, Farley, Ferguson, Gober, Graves, Gragg, Johnston of San Francisco, McCutchan, Moreland, Murdock, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Taliaferro, and Watkins—30.

So the motion was sustained.

The House resolved itself into Committee of the Whole, to consider the bill—Mr. Farwell in the chair.

The Committee rose, reported, and recommended its passage, and were discharged.

Upon the engrossment of the bill, Messrs. Amyx, Graves, and Moreland, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Adkison, Bates, Beatty, Bogardus, Brown of Nevada, Buffum, Cory, Chase, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Flournoy, Foster, Ferguson, Gaylord, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Kinney, Lincoln, McCurdy, Mellus, Meredith, Oxley, Phelps, Rodgers, Rowe, Stevens, Stevenson, Sherrard, Smith of Marin, Stewart, Taylor, Vineyard, Waite, Whitney, and Mr. Speaker—47.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Baker, Boles, Brown of Contra Costa, Cook, Gober, Graves, Hunt, Keys, McCutchan, Moreland, Murdock, Quinn, Ryland, Singley, Smith of El Dorado, Taliaferro, Updegraff, Watkins, and Wells—20.

So the bill was ordered engrossed.

Mr. Stevenson gave notice of a re-consideration of the vote just taken.

Mr. Smith, of Marin, according to notice given on yesterday, moved to re-con-

sider the vote of yesterday, by which Assembly bill No. 127, An Act amending an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein.

Lost.

Mr. Buffum moved the previous question.

Not agreed to.

Whereupon, Messrs. Rowe, Bates and Cunningham, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Adkison, Baker, Bates, Beatty, Bogardus, Boles, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Dana, Douglas, Gragg, Kinney, McCutchan, Mellus, Moreland, Oxley, Phelps, Rowe, Stewart, Taylor, Wells, and Mr. Speaker—24.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Arrington, Brewton, Brown of Nevada, Cammet, Cory, Chase, Doughty, Farley, Flournoy, Ferguson, Gober, Graves, Hosmer, Johnston of San Francisco, Keys, McCurdy, Meredith, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Taliaferro, Vineyard, Watkins, and Waite—28.

So the motion was lost.

Mr. Buffum made the following report:

Mr. Speaker :

The Committee on Commerce and Navigation, to whom was referred Senate bill No. 57, An Act to cede certain Property to the City of Benicia, have had the same under consideration, and have instructed me to recommend its passage, without amendment.

The Committee has also had under consideration Senate bill No. 115, An Act concerning the Enrollment of Steamboats, and other vessels, and have instructed me to recommend its passage, without amendment.

BUFFUM,
Chairman.

Mr. Bates made the following report :

Mr. Speaker :

The Joint Committee empowered to visit San Francisco, and to act in conjunction with the Mayor of that city for the temporary maintainance of the inmates of the State Marine Hospital, have performed the duties assigned to them, and respectfully ask to submit the following report of their proceedings.

Your Committee deemed it their first duty to procure a correct and reliable statement from the Resident and Visiting Physicians of the Hospital of the whole num-

ber of patients then in that institution chargeable to the State and City of San Francisco.

According to the statement made by the Physicians of the State Marine Hospital, the whole number of patients remaining in that institution, March 31, 1855, is 207. Of these, there are State patients, 78, and City Patients, 129. Of the State patients, there are incurable, 18; and curable, 60. Accompanying this report, there is a statement from the Physicians of the Hospital, giving the names of each patient, and the counties from which they came, previous to their admission into the Hospital.

Your Committee, after ascertaining the above facts, made them known to his Honor the Mayor of San Francisco, and co-operated with him as to the most practicable and economical method of maintaining the sick for the period not to exceed thirty days.

The Committee felt it a matter of delicacy to appoint any one to assume the responsibility of taking charge of the establishment, and that all responsible physicians who might desire to enter upon that responsibility, should have an equal chance, the Committee agreed to advertise in the daily papers of the city for sealed proposals to take charge of all the departments connected with the institution; the Committee reserving the right to themselves to reject any proposal they might deem expedient.

There being fifteen proposals given in, and the Committee, after having examined them carefully and impartially, finally concluded to accord the contract to Dr. Gibbons & Brother, for \$5,000 in cash, or its equivalent in State, County, and City Scrip, in proportion to the number of State, County, and City patients—the State paying only for her seventy-eight patients.

Your Committee would further state that the contract entered into with Dr. Gibbons is such, that they have given good and sufficient bonds for the faithful performance of their duties to the amount of twenty-five thousand dollars; said bond being held by the Mayor of San Francisco.

J. P. McFARLAND,

Chairman of Senate Committee on Hospitals.

HENRY BATES,

Chairman of House Committee on Hospitals.

Mr. Farley made the following report:

Mr. Speaker :

The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 333, An Act to re-locate the County Seat of Yolo County by the qualified voters of said county, have had the same under consideration, and, having examined the petition of a large number of citizens of said Yolo county in relation to said County Seat, and believing, as your Committee do, that a majority of the qualified voters of Yolo county desire the passage of said bill, we, therefore, report the same back to the Assembly, and recommend its passage.

Also, Assembly bill, No. 361, An Act to define the Boundaries of Amador County, and establish the County Seat therein. The Committee have had said bill under advisement, and recommend its passage.

Also, various petitions which have been referred to said Committee, all of which are herewith returned, as the subjects to which they refer have been acted upon by this House.

FARLEY,

Chairman.

Mr. Meredith made the following report :

Mr. Speaker:

The Joint Committee on Enrollment have examined, and find correctly enrolled An Act to prohibit the Sale of Ardent Spirits within two miles of the State Prison ; also,

An Act to amend an Act entitled an Act defining the Time for commencing Civil Actions, passed April 22, 1850.

H. B. MEREDITH,
Chairman.

Mr. Keys, Chairman Committee on Mileage, made the following report :

Mr. Speaker :

The Special Committee, consisting of Mr. Bates, appointed by Joint Resolution to visit San Francisco, and make arrangements for the occupants of the defunct State Hospital, has performed the duty assigned him, and is entitled to one hundred and twelve dollars mileage.

T. J. KEYS.

Mr. Burke made the following report :

Mr. Speaker :

The Committee on Indian Affairs, to whom was referred Senate bill No. 84, entitled An Act to amend an Act entitled an Act for the Government and Protection of Indians, passed April 22, 1850, have had the same under consideration, and beg leave to report the same back to the House, and recommend its passage.

E. BURKE,
Chairman.

Report read and adopted.

Mr. Burke made the following report :

Mr. Speaker :

The Committee on Indian Affairs, to whom was referred Assembly bill No. 70, have considered the same, and report it back to the House, and recommend that it be indefinitely postponed.

E. BURKE,
Chairman.

The following messages were received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, April 10, 1855. }

To the Assembly of California :

I have this day approved of the following Acts, which originated in the Assembly, viz :

An Act to amend an Act concerning Crimes and Punishments.

An Act to amend an Act entitled an Act to provide for the Incorporation of Railroad Companies.

An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of like character.

An Act to authorize the Board of Supervisors in and for the County of Marin to levy a Special Tax for the erection of Public Buildings in said County.

An Act amendatory of and supplementary to an Act entitled an Act defining the Legal Distances from each County Seat in the State of California to the State Capital at Sacramento, to the State Lunatic Asylum at Stockton, and the State Prison at San Quentin, passed May 15, 1850.

An Act to authorize the Payment of the Rent of the Court House in Sacramento county

An Act to change the time of holding the different Courts authorized to be held by the County Judge in the County of Yolo.

An Act to authorize the Board of Supervisors of Napa County to levy a Tax for certain purposes.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento, April 10, 1855. }

To the Assembly of California :

I have this day approved an Act which originated in the Assembly, entitled An Act to regulate Fees in Office.

JOHN BIGLER.

The following message was received from the Senate :

SENATE CHAMBER, April 10, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have this day concurred in Assembly Concurrent Resolution relative to the correction of an error in the enrolled copy of the Fee bill.

C. DICKINSON,
Secretary Senate.

The following message was received from the Senate :

SENATE CHAMBER, April 10, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate this day considered the Assembly Concurrent Resolution relative to the adjournment of the Legislature,

and have amended the same as therein shown, and in which the concurrence of the Assembly is respectfully solicited.

C. DICKINSON,
Secretary of Senate.

The following Assembly Concurrent Resolution was then taken up :

Resolved, by the Assembly, the Senate concurring, That the two Houses of the Legislature will adjourn, *sine die*, on the seventh day of May, 1855.

The question being upon concurring in the Senate's amendment, substituting 7th of May for 16th of April.

Mr. Flourney moved to lay the resolution on the table.

Not agreed to.

Mr. Flourney moved a call of the House.

Lost.

Mr. Brown, of Nevada, moved the previous question.

Sustained.

Whereupon, Messrs. Ryland, Stow, and Rowe, demanded the ayes and noes on concurring in Senate amendment, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Coombs, Cunningham of Sierra, Douglas, Doughty, Ferrell, Foster, Gaver, Gragg, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCurdy, Palmer, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, and Updegraff—29.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Adkison, Bates, Buffum, Cammet, Cory, Chase, Clayton, Cook, Curtis, Dana, Edwards, Farley, Farwell, Flourney, Ferguson, Gaylord, Gober, Graves, Hosmer, Hunt, Jones, Keys, Lincoln, McCutchan, Mellus, Meredith, Murdock, Oxley, Phelps, Quinn, Rodgers, Rowe, Ryland, Taylor, Watkins, Waite, Wells, Whitney, and Mr. Speaker—41.

So the House refused to concur in Senate amendment.

Mr. Farwell moved to appoint a Committee of Conference.

Mr. Stow moved to lay the resolution on the table.

Agreed to.

On motion of Mr. Gober, the House resolved itself into Committee of the Whole, Mr. Gober in the chair.

The special order being Assembly bill No. 88, An Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State, the Committee rose and reported.

Mr. Ryland moved a call of the House.

Agreed to.

The roll was called, and the following members were absent : Messrs. Arrington,

Ashley, Bogardus, Boles, Brewton, Brown of Contra Costa, Chase, Cunningham of El Dorado, Dana, Graves, Hunt, Johnson of El Dorado, Keys, McCurdy, Meredith, Oxley, Smith of Marin, Wells, Geller, and Knox.

Messrs. McConnell and Sherrard were absent on leave.

On motion, the Sergeant-at-Arms was di-patched for the absentees.

On motion, Mr. Bogardus was admitted within the bar and excused ; also, Messrs. Smith of Marin, McCurdy, Oxley, Meredith, Arrington, Brown of Contra Costa, and Keys.

Mr. Burke moved that further proceedings be dispensed with under the call.

Lost.

Mr. Arrington moved that further proceedings under the call be dispensed with.

Agreed to

On motion of Mr. Flournoy, the House resolved itself into Committee of the Whole, Mr. Gober in the chair, to consider the bill

Committee rose, reported, and recommended its passage, and were discharged.

House concurred in Committee amendments.

Mr. Oxley moved to adjourn.

Not agreed to.

The substitute, as amended, was adopted, and ordered engrossed.

Mr. Watkins gave notice that he would, on to-morrow, move a re-consideration of the vote by which the House refused to concur in the Senate amendment to the House Concurrent Resolution, relative to adjournment.

Mr. Foster moved to adjourn.

Not agreed to.

Assembly bill No. 313, An Act supplemental to and amendatory of an Act entitled an Act to create a Board of Supervisors for the County of Alameda, approved March 9, 1855.

Mr. Watkins offered amendments which were adopted, and the bill was ordered engrossed.

On motion of Mr. Stevenson, the House adjourned at half past 3 o'clock, P. M.

IN ASSEMBLY.

THURSDAY, April 12, 1855.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and the following members were absent :

Messrs. Lincoln and Taliaferro.

Journal of yesterday was read and approved.

Mr. Curtis presented a petition from the citizens of Siskiyou in relation to the salary of the County Judge of said county.

Read and referred to Committee on Claims.

Mr Douglas presented an account of the Daily Evening Post against the State for \$250.

Referred to Committee on Accounts and Expenditures.

Assembly bill No 359, An Act to authorize the Board of Trustees of the City of San Diego to convey to the President and Board of Directors of the San Diego and Gila Southern Pacific and Atlantic Railroad Company, two leagues of the Pueblo Lands, to aid in the construction thereof—

Read third time and passed.

Mr. Ryland made the following report :

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 222, for An Act to amend an Act entitled an Act for the relief of Insolvent Debtors and protection of Creditors, passed May 4, 1852, report the same back without amendment, and recommend its passage.

C. T. RYLAND,
Of Committee.

Mr. Buffum made the following report :

Mr. Speaker :

The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 360, An Act to authorize John Vance, and such others as he may associate with him, to build a Wharf at Eureka, Humboldt county, have had the same under consideration, and have instructed me to recommend its passage.

The Committee has also had under consideration Senate bill No. 137, An Act to amend the Thirty-first Section of an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1854, and have instructed me to recommend its indefinite postponement, as an Assembly bill containing similar provisions has already passed the Senate.

BUFFUM,
Chairman.

Mr. Meredith made the following report :

Mr. Speaker :

The Joint Committee on Enrollment presented to Governor Bigler, for his approval, yesterday—

An Act to prohibit the Sale of Ardent Spirits within two miles of the State Prison ; also,

An Act to amend an Act entitled an Act defining the time for commencing Civil Actions, passed April 22, 1850.

H. B. MEREDITH,
Chairman.

Mr. Moreland made the following report :

Mr. Speaker:

The Committee on Engrossment have examined, and find correctly engrossed—

An Act concerning Estrays; also,

An Act to amend an Act entitled an Act to exempt Firemen from Militia Service and Jury Duty, passed March 25, 1853; also,

An Act to attach a portion of El Dorado County to the County of Amador; also,

An Act to provide for the Extinguishment of the Indebtedness, present and accruing of the County of Monterey; and, also,

An Act amendatory of an Act entitled an Act relating to Port Wardens in San Francisco, Sacramento, and other Ports in California, passed March 9, 1853.

THOS. MORELAND,
Chairman.

Mr. Farwell made the following report :

Mr. Speaker :

The San Francisco delegation, to whom was referred Assembly bill No. 309, An Act to regulate the Fire Department of the City of San Francisco, report the same back to the House, and respectfully urge its passage, as amended.

W. B. FARWELL.

Mr. Clayton made the following report :

Mr. Speaker:

The Select Committee, to whom was referred Assembly Joint Resolution No. 6, in relation to the establishment of Military or Post Roads across the Desert, have had the same under consideration, and herewith report it back to the House without amendment, and recommend its passage.

J. E. CLAYTON,
Chairman.

Assembly Joint Resolution No. 6, relative to the construction and establishment of Military and Post Roads across the Plains, &c.

Adopted.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, April 11, 1855. }

To the Assembly of California :

I have this day approved an Act which originated in the Assembly, entitled An Act to prohibit the Sale of Ardent Spirits within two miles of the State Prison.

JOHN BIGLER.

The following message was received from the Senate :

SENATE CHAMBER, April 7, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have, on this day, passed Assembly bill No. 149, entitled An Act concerning the Records in the Office of the County Recorder of San Francisco County, with amendments as therein shown, and in which the concurrence of the Assembly is respectfully solicited.

C. DICKINSON.

Secretary Senate.

Assembly bill No. 149, An Act concerning the Records in the Office of the County Recorder of San Francisco—
Senate amendments concurred in.

The following messages were received from the Senate :

SENATE CHAMBER, April 5, 1855.

Mr. Speaker :

I am directed by the Senate to inform the Assembly that the Senate did, on yesterday, pass the following :

Assembly bill No. 261, entitled An Act to fix the Compensation of the County Judge of Sierra County, and to repeal in part the first section of an Act entitled an Act to fix the Compensation of County Judges and Associate Justices of the Courts of Sessions, passed May 17, 1853 ; also,

Assembly bill No. 180, entitled An Act fixing the Time of holding the several Courts authorized to be held by the County Judge in the County of Tuolumne.

Respectfully submitted,

C. DICKINSON,

Secretary Senate.

SENATE CHAMBER, April 11, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 187, entitled An Act amendatory of an Act to provide for the Incorporation of Colleges, passed April 20, 1850.

Also, Senate bill No. 164, An Act to extend the Time for commencing the Construction of certain Railroads herein named.

All of which is respectfully submitted.

C. DICKINSON,

Secretary of Senate.

Per R. BIVEN.

Senate bill No. 187, An Act amendatory of an Act to provide for the Incorporation of Colleges, passed April 20, 1850—

Read first and second time, and passed.

Senate bill No. 164, An Act to extend the time for commencing the Construction of certain Public Roads herein named—

Read first and second time, and referred to Committee on Internal Improvements.

On motion of Mr. Farley, Assembly bill No. 361, An Act to define the Boundaries of Amador County, and establish the County Seat, was taken from the general file, considered engrossed, read third time, and passed.

Mr. Stevenson moved to take from the table Assembly Concurrent Resolution in reference to adjournment sine die.

Whereupon, Messrs. Graves, Farley, and Oxley, demanded the ayes and noes.

Mr. Flournoy moved a call of the House.

Agreed to.

Roll called, and the following members were absent: Messrs. Arrington, Chase, Dana, McConnell, and Rodgers.

Mr. Beatty moved that further proceedings under the call of the House be suspended.

Agreed to.

The ayes and noes being called on Mr. Stevenson's motion, resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Cory, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Douglas, Doughty, Farwell, Ferrell, Foster, Gaver, Geller, Gober, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, McCurdy, Murdock, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Tahaferro, Updegraff, Vineyard, Watkins, and Whitney—41.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Adkison, Bates, Brown of Contra Costa, Cammet, Clayton, Covarrubias, Curtis, Dana, Edwards, Farley, Flournoy, Ferguson, Gaylord, Graves, Hunt, Jones, Keys, Kinney, Lincoln, McCutchan, Mellus, Meredith, Moreland, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Taylor, Waite, Wells, and Mr. Speaker—35.

So the motion was sustained, and the resolution taken from the table.

Mr. Watkins moved to reconsider the vote of yesterday, by which the House refused to concur in Senate amendments.

Whereupon, Messrs. Jones, Oxley, and Covarrubias, demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cory, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Douglas, Doughty, Ferrell, Foster, Gaver, Geller, Gober, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McCurdy, Murdock, Palmer, Quinn, Ryland, Stevens, Steven-

son, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Updegraff, Vineyard, Watkins, and Whitney—44.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Adkison, Bates, Cammet, Chase, Clayton, Covarrubias, Curtis, Dana, Edwards, Farley, Farwell, Flournoy, Ferguson, Gaylord, Graves, Hunt, Jones, Keys, Lincoln, Mellus, Meredith, Moreland, Oxley, Phelps, Rodgers, Rowe, Sherrard, Taylor, Waite, Wells, and Mr. Speaker—33.

So the vote was reconsidered.

Mr. Ryland moved to strike out the 7th of May, and insert the 30th of April.

A division of the question being called for, the question then recurred on striking out.

Upon which, Messrs. Johnson of El Dorado, Moreland, and Flournoy, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Adkison, Bates, Brown of Contra Costa, Buffum, Cammet, Chase, Clayton, Covarrubias, Cunningham of El Dorado, Curtis, Dana, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaylord, Geller, Gober, Graves, Hosmer, Hunt, Jones, Keys, Lincoln, McCutchan, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Quinn, Rodgers, Rowe, Ryland, Sherrard, Taylor, Updegraff, Watkins, Waite, Wells, and Whitney—47.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Cory, Cook, Cunningham of Sierra, Douglas, Foster, Gaver, Gragg, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCurdy, Palmer, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Vineyard, and Mr. Speaker—29.

So the motion was agreed to.

The question then recurred on inserting the 30th of April.

Mr. Flournoy moved to amend by inserting the 20th April, which the Chair decided in order.

Mr. Taliaferro appealed from the decision of the Chair.

The decision of the Chair was sustained.

The question being upon Mr. Flournoy's motion, Messrs. Moreland, Lincoln and Oxley demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Ashley, Adkison, Bates, Brown of Contra Costa, Cammet, Chase, Covarrubias, Curtis, Dana, Farley, Flournoy, Ferguson, Gaver, Gaylord, Graves, Gragg, Jones, Keys, Lincoln, McCutchan, Mellus, Moreland, Oxley, Phelps, Sherrard, Wells, and Mr. Speaker—28.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Arrington, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Cory, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Douglas, Doughty, Edwards, Farwell, Ferrell, Foster, Geller, Gober, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCurdy, Meredith, Murdock, Palmer, Quinn, Rodgers, Rowe, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Waite, and Whitney—50.

So the motion was lost.

The question was then taken on filling the blank with 30th of April.

Agreed to.

Mr. Kinney moved to take from the table the following resolution :

Resolved, That from and after Monday, the 9th instant, the morning hour of meeting of the Assembly shall be at 9 o'clock, A. M., unless some other hour be specified at the time of adjournment.

Whereupon, Messrs. Lincoln, Arrington and Buffum, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Ashley, Baker, Bates, Bogardus, Boles, Buffum, Cammet, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Dana, Farwell, Flournoy, Gober, Graves, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Lincoln, McCutchan, McCurdy, Mellus, Moreland, Palmer, Quinn, Rodgers, Ryland, Stevens, Smith of El Dorado, Stewart, Taliaferro, Taylor, Vineyard, Watkins, Wells, Whitney, and Mr. Speaker—44.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Adkison, Beatty, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Cory, Chase, Cunningham of El Dorado, Douglas, Doughty, Edwards, Farley, Ferrell, Foster, Ferguson, Gaver, Gaylord, Geller, Gragg, Hosmer, Meredith, Murdock, Oxley, Phelps, Stevenson, Sherrard, Singley, Smith of Marin, Updegraff, and Waite—32.

Agreed to.

Mr. Hosmer moved to strike out 9 o'clock, and insert 8 o'clock.

Mr. Stevenson moved to amend, by inserting 8 o'clock, P. M., instead of 8 o'clock, A. M.

Mr. Baker offered the following resolution :

Resolved, That the House meet at 10 o'clock, A. M., and adjourn at 2, and meet again at 4, P. M., of each day.

Which, on motion of Mr. Flournoy, was laid on the table.

Mr. Douglas offered the following resolution :

Resolved, the Senate concurring, That the two Houses meet in joint convention on the 16th day of April, 1855, for the purpose of electing three Trustees of the Insane Asylum.

Adopted.

Mr. McCutchan offered the following resolution :

Resolved, That the Sergeant-at-Arms be requested to report to this House the number and title of the newspapers, daily and weekly, ordered to the address of the several members of the Assembly.

Adopted.

Mr. Flournoy moved to take from the file Assembly bill No. 139.

Mr. Taliaferro moved the previous question.

Sustained.

The motion then being put, Shall the bill be taken from the file ? was lost.

Assembly bill No. 23, An Act concerning Estrays—

Read third time, and passed.

Assembly bill No, 285, An Act amendatory of an Act entitled an Act relative to Port Wardens in San Francisco, Sacramento, and other ports in California—

Read third time, and passed.

Mr. Taliaferro made the following majority report :

Mr. Speaker :

A majority of the Committee comprising the Calaveras and Amador delegations, to whom was referred Senate bill No. 179, substitute for Senate bill No. 161, entitled a bill for An Act to adjust the amount of Indebtedness of the County of Amador to the County of Calaveras, and to provide for the payment thereof, have had the same under consideration, and report it back to the House without amendment, and recommend its passage.

T. W. TALIAFERRO,
E. T. BEATTY,
S. B. STEVENS.

Laid on the table.

Assembly bill No. 320, An Act to authorize the Board of Supervisors which are hereafter to be elected in and for the County of Klamath, to levy a special tax for the erection of Public Buildings in said County—

Ordered engrossed.

Assembly bill No. 94 being taken up, was, on motion of Mr. Doughty, laid on the table.

Assembly bill No. 296, An Act to provide for the redemption of California War Bonds previous to maturity.

Mr. Mellus moved a call of the House.

Not agreed to.

Mr. Ferrell moved to adjourn.

Upon which, Messrs. Buflum, Doughty, and Ryland, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs Andrews, Beatty, Bogardus, Brown of Nevada, Clayton, Dana, Ferrell, Foster, Ferguson, Gragg, Hosmer, McCutchan, McCurdy, Mellus, Meredith, Murdock, Oxley, Palmer, Stewart, and Vineyard—20.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Adkison, Baker, Boles, Brewton, Buffum, Cammet, Cory, Coombs, Covarrubias, Doughty, Edwards, Farley, Farwell, Gaver, Gaylord, Gober, Hunt, Jones, Kinney, Lincoln, Moreland, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevens, Sherrard, Singley, Smith of El Dorado, Taliaferro, Watkins, and Waite—35.

So the House refused to adjourn.

House resolved itself into Committee of the Whole, Mr. Ryland in the Chair, to consider the bill.

The Committee, after duly considering the bill, rose, reported it back, and were discharged.

The bill was ordered engrossed.

Assembly bill No. 266, An Act granting the use of certain Overflowed Lands to James S. Hubbard—

Ordered engrossed.

The following proposed amendments to the Constitution of the State of California were then taken up for consideration, and read third time :

PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF CALIFORNIA.

The Legislature of the State of California, at its sixth session, commenced on the first day of January, A. D. 1855, propose as amendments to the present Constitution of this State the following :

AMENDMENT 1.—Section 2 of Article 4 is amended so as to read as follows :

Sec. 2. The sessions of the Legislature shall be biennial, and shall commence

on the first Monday of January next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.

AMENDMENT 2.—Section 3 of Article 4 is amended so as to read as follows :

Sec. 3. The members of the Assembly shall be chosen by the qualified electors of their respective districts, on the first Wednesday of September, one thousand eight hundred and fifty-seven, unless otherwise ordered by the Legislature, and biennially thereafter, and their term of office shall be two years.

AMENDMENT 3 —Section 5 of Article 4 is amended so as to read as follows :

Sec. 5 Senators shall be chosen for the term of four years, at the same time and place as members of the Assembly ; and no person shall be a member of the Senate or Assembly, who has not been a citizen and inhabitant of the State two years, and of the county or district for which he shall be chosen, one year next preceding his election.

AMENDMENT 4 —Section 6 of Article 4 is amended so as to read as follows :

Sec. 6. The number of Senators shall not be less than one-third, nor more than one-half of that of members of the Assembly ; and at the first session of the Legislature, after this amendment takes effect, Senators shall be divided by lot as equally as may be into two classes. The seats of the Senators of the first class shall be vacated at the expiration of two years, so that one-half, as nearly as may be, shall be chosen biennially.

AMENDMENT 5. Section 2 of Article 10 is amended so as to read as follows :

Sec. 2. And if, at any time, two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against a Convention, and if it shall appear that a majority of the electors voting at such election, have voted in favor of calling a Convention, the Legislature shall, at its next session, provide by law for calling a Convention to be holden within six months after the passage of such law ; and such Convention shall consist of a number of members not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such Convention, shall be submitted to the people at a special election, to be provided for by law for their ratification or rejection. Each voter shall express his opinion by depositing in the ballot box a ticket, whereon shall be written or printed the words, "For the new Constitution," or "Against the new Constitution." The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of this State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the votes so certified to him. If by such examination it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.

The ayes and noes being taken upon the adoption of the first proposed amendment, resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Ashley, Baker, Beatty, Bogardus, Buffum, Cammet, Cory, Clayton, Coombs, Covarrubias, Cunningham of El Dorado, Curtis, Douglas, Doughty, Farwell, Flournoy, Gaylord, Gober, Graves, Johnston of San Francisco, Jones, Keys, Kinney, Lincoln, Mellus, Meredith, Moreland, Palmer, Quinn, Ryland, Stevens, Sherrard, Taliaferro, Updegraff, Watkins, Waite, and Wells—39.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Adkison, Brewton, Brown of Nevada, Burke, Dana, Ferrell, Foster, Geller, Hosmer, Hunt, Johnson of El Dorado, Murdock, Phelps, Singley, Smith of El Dorado, Vineyard—17.

There not being a majority of all the votes, the amendment was lost.

Mr. Flournoy moved a call of the House.

Agreed to.

The Clerk called the roll, and the following members were absent :

Messrs. Bates, Brown of Contra Costa, Chase, Cook, Murdock, Stevenson, Taylor, and Mr. Speaker.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Jones moved to suspend further proceedings under the call.

Agreed to.

Mr. Ashley moved a re-consideration of the vote, by which amendment 1 was lost.

Agreed to.

Upon which the ayes and noes were taken, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Ashley, Baker, Beatty, Brown of Contra Costa, Buffum, Cammet, Cory, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Flournoy, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Johnston of San Francisco, Jones, Keys, Kinney, Lincoln, McCurdy, Mellus, Meredith, Moreland, Oxley, Palmer, Quinn, Rodgers, Ryland, Stevens, Sherrard, Smith of Marin, Taliaferro, Updegraff, Watkins, Waite, Wells, and Whitney—49.

Those who voted in the negative were—

NOES.

Messrs. Adkison, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Covarrubias, Farwell, Ferrell, Foster, Ferguson, Hunt, Johnson of El Dorado, McCutchan, Murdock, Phelps, Rowe, Singley, Smith of El Dorado, and Vineyard—20.

So the amendment was adopted.

On motion of Mr. Stow, the Clerk was instructed to repair to the Senate Chamber, and correct a clerical error in the Concurrent Resolution in reference to adjournment *sine die*.

The ayes and noes were then taken upon the second amendment to the Constitution, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Ashley, Adkison, Baker, Beatty, Brown of Contra Costa, Brown of Nevada, Buffum, Cammet, Cory, Clayton, Coombs, Cunningham of El Dorado, Curtis, Dana, Douglas, Doughty, Farwell, Flournoy, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Johnston of San Francisco, Jones, Keys, Kinney, Lincoln, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Quinn, Rodgers, Ryland, Stevens, Sherrard, Smith of Marin, Taliaferro, Updegraff, Watkins, Waite, Wells, and Whitney—51.

Those who voted in the negative were—

NOES.

Messrs. Bogardus, Brewton, Burke, Covarrubias, Ferrell, Foster, Hunt, McCutchan, Phelps, Rowe, Singley, and Vineyard—12.

So the amendment was adopted.

The ayes and noes were taken on the third amendment, and resulted as follows :

AYES.

Those who voted in the affirmative were—

Messrs. Andrews, Arrington, Ashley, Adkison, Baker, Beatty, Buffum, Cammet, Cory, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Flournoy, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Johnston of San Francisco, Jones, Keys, Kinney, Lincoln, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Quinn, Rodgers, Ryland, Stevens, Sherrard, Taliaferro, Updegraff, Watkins, Waite, Wells, and Whitney—50.

Those who voted in the negative were—

NOES.

Messrs. Bogardus, Brewton, Brown of Nevada, Burke, Covarrubias, Foster, Hunt, McCutchan, Palmer, Phelps, Rowe, Singley, Smith of Marin, and Vineyard—14.

The third amendment was adopted.

The ayes and noes were taken on the fourth amendment, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Ashley, Baker, Beatty, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cammet, Cory, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Johnston of San Francisco, Jones, Keys, Kinney, Lincoln, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Quinn, Rodgers, Ryland, Stevens, Sherrard, Stewart, Taliaferro, Updegraff, Watkins, Waite, Wells, and Whitney—55.

Those who voted in the negative were—

NOES.

Messrs. Bogardus, Brewton, Covarrubias, Ferrell, Foster, Hunt, Johnson of El Dorado, McCutchan, Phelps, Rowe, Stevenson, Singley, and Vineyard—13.

So the fourth amendment was adopted.

The ayes and noes were taken on the fifth amendment, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Ashley, Baker, Beatty, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cammet, Cory, Clayton, Coombs, Cunningham of El Dorado, Curtis, Dana, Douglas, Doughty, Edwards, Farwell, Flournoy, Ferguson, Geller, Gober, Graves, Gragg, Hosmer, Johnston of San Francisco, Jones, Keys, Kinney, Lincoln, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevens, Sherrard, Singley, Stewart, Taliaferro, Updegraff, Watkins, Wells, Whitney, and Mr. Speaker—54.

Those who voted in the negative were—

NOES.

Messrs. Bogardus, Brewton, Covarrubias, Cunningham of Sierra, Farley, Ferrell, Foster, Gaylor, Hunt, Johnson of El Dorado, McCutchan, Stevenson, and Vineyard—13.

So the fifth amendment was adopted.

Assembly bill No. 194, An Act declaring Mining Claims to be personal property, and to exempt them from forced sales in certain cases—

On motion of Mr. Stevenson, the bill was referred to a select Committee of five : Stevenson, Farley, Curtis, Kinney, and Brown of Nevada.

On motion of Mr. Gober, Assembly bill No. 319, a bill for an Act to separate the office of Collector of Taxes from the office of Sheriff, in the County of Yuba, was placed at foot of the file.

On motion of Mr. Andrews, the House adjourned at 3 o'clock, P. M.

IN ASSEMBLY.

FRIDAY, April 13, 1855.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called and the following members were absent:

Messrs. Gaver, Taylor and Whitney.

Mr. Whitney was granted indefinite leave of absence, and Mr. Cook was granted leave of absence for three days.

The Journal of yesterday was read and approved.

Mr. Kinney was granted leave to record his vote in favor of the proposed amendments to the Constitution.

Mr. Ryland moved that Assembly bill No. 15, a bill for An Act to amend an Act entitled an Act defining the Time for commencing Civil Actions, passed April 22, 1850, be placed at foot of file.

Mr. Smith of Marin moved to indefinitely postpone.

Mr. Ashley moved to recommit.

Mr. Arrington moved the previous question.

Sustained.

The question being on recommitting the bill, the motion was lost.

The question then being on the indefinite postponement of the bill,

Messrs Arrington, Hosmer and Johnson of El Dorado demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Adkison, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Chase, Clayton, Coombs, Covarrubias, Cunningham of Sierra, Curtis, Douglas, Doughty, Farwell, Ferrell, Foster, Gaylord, Graves, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Keys, Kinney, Lincoln, McCutchan, McCurdy, Mellus, Meredith, Murdock, Oxley, Phelps, Quinn, Rowe, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Updegraff, Vineyard, Wells and Mr. Speaker—54.

Those who voted in the negative were—

NOES.

Messrs Andrews, Ashley, Brown of Contra Costa, Cory, Cunningham of El Dorado, Dana, Edwards, Farley, Ferguson, Gober, Moreland, Palmer, Rodgers, Ryland, Taliaferro, Watkins and Waite—17.

So the bill was indefinitely postponed.

Assembly bill No. 301, An Act to authorize J. P. Lane, R. L. Matthews

and others to construct a Wagon Road through the Coast Range of Mountains.

Mr. Arrington moved to indefinitely postpone the bill.

Messrs. Ashley, Arrington and Graves demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Baker, Bußum, Burke, Clayton, Cunningham of El Dorado, Farwell, Ferrell, Gragg, Kinney, Phelps, Quinn, Ryland, Vineyard and Wells—16.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Cammet, Cory, Coombs, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Flournoy, Foster, Ferguson, Gaylord, Gober, Hunt, Johnson of El Dorado, Jones, Keys, Lincoln, McCurdy, Mellus, Meredith, Morland, Murdock, Oxley, Rodgers, Rowe, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Updegraff, Watkins, Waite and Mr. Speaker—47.

So the House refused to indefinitely postpone.

Mr. Flournoy made the following minority report :

Mr. Speaker :

The undersigned, a minority of the select Committee of five, appointed under a resolution of this House, "to investigate and report to this House what disposition has been made of the one hundred and fifty thousand dollars received by this State from the United States for the Custom House Block in San Francisco; where said money now is, and whether, at any time, the money belonging to this State has been used by any person or persons for his or their private business, and, if so, how and by whom it has been so used; and also whether any, and, if any, what Controller's or other similar certificates, given for services rendered but for which no appropriation was made by the last Legislature, have been received by the State Treasurer in payment for property sold by the State Board of California Land Commissioners, or for other property; and said Committee shall be fully authorized and empowered to send for persons and papers," respectfully beg leave to report:

That the minority fully agree with the majority that the one hundred and fifty thousand dollars received from the United States have been properly disposed of and applied to the payment of the civil seven per cent bonds, and also that "no part of the money belonging to this State has been used by any person or persons for his or their private business, by the connivance or consent of the State Treasurer." But the minority of your Committee cannot agree with the implied censure cast upon the State Treasurer in consequence of his having made a general deposit of the money of the State, subject at all times to his

order, nor can the minority concur in the reasonings by which the majority arrived at such conclusions.

It is well known that the State has never provided her Treasurer with a safe and secure vault in which to keep the money in his custody ; in fact, that she has never provided him with anything except a common iron chest, which is neither thief nor fire proof, nor did she provide him with an office other than one where he is a tenant at will of the city of Sacramento, liable at any time to be turned out and to have his chest thrown into the street. From this situation of affairs, it seems to the minority of the Committee to be self-evident that the State has looked to the personal responsibility of the Treasurer and his securities for the safety of the money, and not to the place where it was kept. As a further argument in favor of this view of the question, the minority of your Committee would call your attention to sections 2 and 4 of the original law, passed January 25, 1850, to which the majority refer, and which they say "did not, either in its letter or in the intent of the Legislature who enacted it," allow the privilege of making general deposits. As to the intent of the Legislators who enacted the original law, the minority of your Committee has no means of judging, except from the face or letter of the Act itself ; but the minority thinks that the letter of that law shows an evident and incontrovertible intent on their part to make the Treasurer and his bondsmen responsible alike for the due performance of the several duties of his office, one of which is the safe-keeping of the public moneys. Why, if it were otherwise, would it have omitted to have given any instructions whatever, either directory or mandatory, as to where or how the public moneys should be kept.

Again, the majority of your Committee refer to the Act of April 4, 1852, "authorizing the Treasurer to make special deposits," as an evidence that he was not allowed to make general deposits. The opinion of the minority is different. A reference to the law (see Codified Statutes, page 875) shows that the Legislature did not construe the Act of 1850 as giving power to the Treasurer to make special deposits at a place remote from the then Seat of Government, and, for the better security of the moneys, passed a special Act, authorizing special deposits to be made at the city of San Francisco.

By reference to the proceedings of the Senate of 1854, it will be seen that this special Act was repealed, and no further direction in regard to the manner or place of keeping the public moneys was given. The minority of your Committee entertains doubts about the power of the Legislature to pass an Act compelling the Treasurer to keep the public moneys in any specified manner or place, without releasing him from his official bond, until suitable provisions are made by the State for its safe-keeping.

So far as keeping the public moneys on either general or special deposit is concerned, the minority of your Committee thinks with the majority, that the practice is highly objectionable, but he cannot, under the circumstances existing, blame the Treasurer for this, the only method of protecting his own and the interest of the public.

As to the advertisement that the bonds due the 1st of March, 1855, would be paid in the city of Sacramento instead of the city of New York, as provided for on the face of the bonds, the minority of your Committee deems it more justly chargeable to the lameness of the law, or, perhaps, undue caution of the Treasurer, than to any disposition on his part to willfully refuse to discharge his duty faithfully, but cannot agree with the majority that it was either an "offense" or a matter of manifest or exceeding impropriety.

The minority of your Committee cannot agree with the majority that any suspicion should rest upon the Treasurer or upon Messrs. Palmer, Cook & Co., who were constituted agents of the State in the disbursement of the one hun-

dred and ten thousand three hundred dollars, of any corrupt design against the State, in consequence of what the majority presumed might have been the effect of the advertisement. It is unjust and unfair for a Committee of this body to place upon our records and send forth to our constituents, without any evidence whatever to support it, relying upon a bare presumption of what *might* occur, matter for ill-natured men to base declarations upon, tending to injure the reputation of a State officer, or other public agent of the State, and render them odious to the people.

The evidence before your Committee, derived from the statements of the Treasurer, satisfies the minority of your Committee of three important facts:—First, that the notice above referred to was of but two or three days duration. Second, that the money was promptly forwarded to New York in time to meet the payment of the bonds in question. And third, that the bond-holders were duly notified by the Treasurer of the change in the arrangement, and also that no important injury resulted either to bond-holders or the credit of the State.

As to the charge made by a majority of your Committee against the State Treasurer, of having violated "existing law" in receiving the certificates of the Controller of State and of the California Board of Land Commissioners, the minority deems that he merely performed a duty which justice and the law imposed upon him. It will not be denied that certain important duties were required by law to be performed by the State Printer, and that, in some instances, specific prices to be paid in consideration of them, determined by the Legislature; that these services were performed, accounts for which were duly rendered, and certified as correct by the proper auditing officers. As to whether the necessary appropriations to meet these liabilities were actually made or not, a proper regard to the true interests of the State should have caused it to have been done, to say nothing of that of her honest and confiding creditors. In proof of this, the minority of your Committee would desire to point you to the bill now before this body, providing relief for the State Printer for injuries sustained by him by a delay of the payment contemplated by the law for important public services rendered. In relation to that portion of those certified evidences of civil indebtedness accruing from the State printing, the Acting Attorney General, Mr. William M. Stewart, holds the following language in an official communication to the State Treasurer, a copy of which is in the possession of your Committee, viz: "The accounts are of just as high a character in equity as any other evidence of civil indebtedness." In relation to the certificates of State indebtedness, the Hon. John R. McConnell, Attorney General and legal adviser of the State Treasurer, in the same official manner, says: "I think those debts perfectly legal, and the State cannot, with any show of propriety, refuse to receive them."

Therefore, the minority of your Committee is of the opinion that if the Treasurer is chargeable with a violation of the strict letter of the law, as alleged by a majority of your Committee, the error was not against the honor or credit of the State, but an equitable and praiseworthy vindication of both, and founded in a respect for the rights of individuals.

The minority of your Committee agrees fully in the propriety of and necessity for some immediate provision by which the public moneys, vouchers, &c., of the State Treasurer's office can be safely kept under the individual charge of the proper officer of the State.

In conclusion, the minority of your Committee is of the opinion that no just censure can attach to the officer in charge of the State Treasury department for the manner in which he has discharged the duties of his office, although he entertains a due respect for the opinions of that portion of the Committee from

whose opinions, in many respects, touching the matters at issue, he has felt himself, in justice to the parties concerned, respectfully to dissent.

All of which is respectfully submitted.

T. C. FLOURNOY.

On motion of Mr. Douglas, the majority, together with the foregoing minority report and accompanying documents were ordered printed.

Mr. Cunningham of Sierra offered the following resolution :

Resolved, That " the Select Committee to visit the State Prison" be instructed to introduce a bill, on to-morrow, for the government and discipline of the State convicts.

Adopted.

The following message was received from the Senate :

SENATE CHAMBER, April 11, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on yesterday, pass Assembly bill No. 272, entitled An Act amendatory of an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1854.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Assembly bill No. 324, An Act in relation to the several Funds of this State.

Ordered engrossed.

Assembly bill No. 254, An Act to organize the County of Kern.

The bill was amended.

Mr. Ryland moved to strike out " Kern" and insert " Buena Vista."

Mr. Flournoy moved the previous question.

Sustained.

The question being on Mr. Ryland's motion, it was adopted.

The bill was ordered engrossed.

Mr. Brown of Nevada moved to take from file Senate bill No. 134, An Act amendatory of an Act entitled an Act to provide for the Sale of the Interest of the State of California in the Property within the Water Line Front of the the City of San Francisco, as defined in and by the Act entitled an Act to provide for the Disposition of certain Property of the State of California, (passed March 26, 1851) passed May 18, 1853.

Messrs. Amyx, Arrington and Watkins demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Adkison, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Cory, Coombs, Cunningham of El Dorado, Curtis, Dana, Douglas, Edwards, Farwell, Ferrell, Flournoy, Foster, Gaver, Gober, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Keys, Lincoln, McCurdy, Mellus, Murdock, Oxley, Palmer, Rowe, Stevens, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro and Waite—43.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Ashley, Baker, Cunningham of Sierra, Doughty, Farley, Ferguson, Graves, Jones, McCutchan, Moreland, Phelps, Quinn, Ryland, Sherrard, Updegraff, Watkins, Wells and Mr. Speaker—20.

So the motion was agreed to.

Mr. Ryland moved to indefinitely postpone the bill.

Mr. Stevenson moved to lay the bill on the table.

Not agreed to.

On the indefinite postponement of the bill,

Messrs. Watkins, Taliaferro and Stevens demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Ashley, Adkison, Baker, Bates, Beatty, Bogardus, Brewton, Brown of Contra Costa, Buffum, Cory, Clayton, Coombs, Cunningham of El Dorado, Curtis, Dana, Douglas, Doughty, Edwards, Farwell, Ferrell, Foster, Ferguson, Gaylord, Gober, Graves, Gragg, Hunt, Johnston of San Francisco, Jones, Keys, Lincoln, McCutchan, Mellus, Meredith, Moreland, Palmer, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevens, Stevenson, Sherrard, Smith of El Dorado, Taliaferro, Updegraff, Watkins, Wells, Whitney and Mr. Speaker—53.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Cammet, Covarrubias, Flournoy, Gaver, Geller, Johnson of El Dorado, Kinney, McCurdy, Murdock, Oxley, Singley and Smith of Marin—13

So the bill was indefinitely postponed.

Mr. Ryland moved to re-consider.

Mr. Stevenson moved to indefinitely postpone the motion to re-consider.

Mr. Adkison moved to take up Senate message.

The following Senate message was then taken up:

Mr. Speaker:

I am directed by the Senate to inform the Assembly that the Senate has, this day, passed Senate bill No. 202, entitled "An Act supplementary to and amendatory of an Act to incorporate the City of Marysville," passed March 5, 1855.

C. DICKINSON,
Secretary Senate.

Senate bill No. 202, reported above.

Read third time and passed.

Assembly bill No. 106, An Act concerning County Officers.

Mr. Flournoy moved to indefinitely postpone.

Mr. Arrington moved to strike out the enacting clause.

Agreed to.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 12, 1855. }

To the Assembly of California :

I have the honor herewith to transmit a communication, received by me on the 11th inst., from Hon J. W. Denver, Secretary of State, in relation to the weights and measures furnished the State of California in accordance with an Act of Congress approved July 14, 1836.

JOHN BIGLER.

The following communication was received from the Secretary of State:

OFFICE OF SECRETARY OF STATE,
Sacramento, April 12, 1855. }

To his Excellency, Gov. John Bigler:

SIR :

The Act of March 30, 1850, entitled an Act to establish a uniform standard of Weights and Measures, constitutes the Secretary of State ex-officio State Sealer of Weights and Measures, and also declares that the standards used shall be the same as those established by Congress. Under the Act of Congress of July 14, 1836, the Secretary of the Treasury is directed to furnish each State with a complete set of the balances, weights and measures adopted as standard, to the end that a uniform standard may be established throughout the United States.

Frequent applications have been made from this office, for more than two years, to be supplied with these standards, but it was not until very recently that I was notified, by Prof. A. D. Bache, United States Superintendent of Weights and Measures, that the articles were shipped to the care of Thomas Tennant, of San Francisco, on the eleventh of December last, per ship Metropolitan, now due, and, consequently, some provision should be made to have them properly put up for use.

It appears from the report of the Superintendent of Weights and Measures,

made to Congress in the year 1848, and from other authentic sources, that these standards require for their adjustment, use and preservation, a room or building of a peculiar character. In that report the Superintendent uses the following language:

"In order to use these balances satisfactorily, they must be placed upon a firm foundation. To adjust standard weights and measures, or to make copies of a kind which would be of service for county standards, a room is required which does not change its temperature rapidly, and without draughts of air. To copy the standards of length, the same condition as to temperature must be fulfilled, and besides, the light must be suitably admitted. These conditions require a room of a certain character for using the instruments. The dimensions are determined by the number and character of the standards and of the balances. The safety of the instruments requires that they should, if possible, be in a fire-proof building. The balances and standards of weights and measures form quite a valuable collection of instruments; they have been prepared at considerable cost, and are worthy of careful preservation."

A plan for a suitable building or room in which to preserve and use these standards and balances accompanies the aforesaid report of the Superintendent of Weights and Measures. In the same report it is further stated that "it is much to be desired that the adjustment of the standards for the counties in the different States, shall be in the hands of scientific persons used to physical experiments of the more refined sort; and the frequent change of such custody from one person to another, by which the information transmitted, or personal interest in the preservation of the standards is lost, is deprecated as sure to prove injurious."

I have also received a communication from Mr. Thomas Tennant, of San Francisco, to whose care these instruments were shipped, and who, I understand, has been in the employ of the Government for setting up and adjusting these standards in different States, who says that the cost of mounting and adjusting them in a permanent manner, after the room or building has been prepared for their reception, will be about five hundred dollars.

An architect, to whom I submitted the plan furnished by Prof. Bache for a building, estimates the cost at three thousand dollars. A room, however, might be fitted up in the Capitol, if a suitable one can be found, for a much less sum.

These facts are communicated in order to induce the Legislature to take some action on this very important subject, and to enable the members to arrive at correct information when providing for the custody, use and preservation of these valuable instruments.

In connection with this subject, I would further suggest that, by Act of the Legislature of this State, passed April 30, 1853, it is made the duty of the County Clerk of each County to procure standards for their respective Counties. By the same law it is provided that all persons using any weights, measures or beams by which any commodity is sold, shall have the same certified at least once in each year, and the violation of this provision is made an indictable offense.

By the Act of 1850, above referred to, the County Clerk is authorized to charge for certifying the same, as follows: For sealing and marking every beam, one dollar; for sealing and marking measures of extensions, at the rate of fifty cents per yard; for sealing and marking every weight, twenty-five cents; for sealing and marking liquid and dry measures, fifty cents for capacity of a gallon or more, twenty-five cents for less than a gallon, and are also entitled to

a reasonable compensation for making such weights and measures conform to the standards.

It will be observed that, under the provision of the law of 1853, which requires all persons who use any weights and measures or beams by which any commodity or article of trade or traffic is weighed or measured, to have these instruments certified at least once in each year.

The County Clerks should be required to have the County standards tested by the State standards, and certified every five years by the custodian of the State standards of weights and measures.

There is no law now requiring this to be done. The custodian of the State standards should be allowed to charge reasonable fees for comparing, adjusting and certifying County standards, and thus might be constituted another source of revenue to the State Library.

J. W. DENVER,
Secretary of State.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, April 13, 1855. }

To the Assembly of California :

I have this day approved an Act which originated in the Assembly, entitled An Act to amend an Act entitled an Act defining the Time for commencing Civil Actions, passed April 22, 1850.

JOHN BIGLER.

The House resolved itself into Committee of the Whole to consider Assembly bill No. 299, (Mr. Farwell in the Chair) An Act to fix the Compensation of District Attorneys for the several Counties of this State.

Committee rose, reported, recommended the passage of the bill and were discharged.

House concurred in Committee amendments.

The bill was considered engrossed.

Read third time and passed.

Mr. Buffum offered the following resolution :

Resolved, That the State Treasurer be requested to inform this House whether any money has been received into the State Treasury since the first day of February, 1855, and, if so, from what counties it has been received and what disposition has been made of it.

Adopted.

Mr. Ashley offered the following resolution :

Resolved, That there be printed five hundred certified copies of the Fee Bill as passed by both Houses, for the use of the Assembly.

Adopted.

On motion of Mr. Stevenson, the House adjourned, at half past three P. M.

IN ASSEMBLY.

SATURDAY, April 14, 1855.

House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called, and the following members were absent :

Messrs. Dana, Palmer, and Rodgers.

The Journal of yesterday was read and approved.

Mr. Oxley introduced a bill for An Act to change the name of Joseph Wilson to Albert Calhoun Joseph Wilson.

Read first and second time, considered engrossed, read third time, and passed.

Mr. Palmer made the following report :

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed :

An Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State ; also,

An Act supplementary to and amendatory of an Act entitled an Act to create a Board of Supervisors for the County of Alameda, approved March 19, 1855 ; and

An Act to purchase the Portrait of Major General John Augustus Sutter.

J. W. D. PALMER,

Of Committee.

Mr. Graves introduced a bill for An Act to create the office of State Librarian, and to provide for the increase and preservation of the State Library.

Read first and second time, and referred to Committee having that matter in charge.

Mr. Ashley made the following report :

Mr. Speaker :

The Judiciary Committee have considered Assembly bill No 215, concerning Attachments, and a majority of the Committee recommend the passage of the bill without amendment.

ASHLEY,

Of Committee.

Mr. Burke made the following report :

Mr. Speaker :

The Judiciary Committee, to which was referred Assembly bill 328, entitled An

Act to regulate the Fees of Public Administrator, have had the same under consideration, and report it back with amendments, and recommend its passage.

E. BURKE,
Of Committee.

Mr. Waite made the following report :

Mr. Speaker:

Your Committee have given proper attention to the petition of the Judge of the Eighth Judicial District, and several citizens of Siskiyou County, praying for the passage of an Act allowing a monthly allowance to be paid to the County Judge of Siskiyou County, out of the treasury of said county, for office rent, stationery, and books, since the said Judge commenced the duties of his office.

In the opinion of your Committee, no part of the salary of a County Judge can be legally required for the payment of office rent, stationery, &c , but that such salary is applicable only to the payment for services rendered in a judicial capacity.

By section nine of An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 20, 1855, the authority is expressly conferred upon said Board " to examine, settle, and allow all accounts legally chargeable against the county."

This Committee believe, therefore, that the case had under consideration is not one calling for action on the part of this Legislature ; being already provided for in the Act above alluded to ; and would, therefore, recommend the indefinite postponement of the subject.

Respectfully submitted,

E. G. WAITE,
Chairman.

Report adopted.

Mr. Waite verbally reported an account of J. M. Shepherd, for \$405, for newspapers, and recommended indefinite postponement.

Adopted.

Mr. Whitney made the following report :

Mr. Speaker :

The Committee on Corporations, to whom was referred Assembly bill No. 346, have had the same under consideration, and have directed me to report the same without any amendment, and respectfully recommend its passage.

WHITNEY,
Chairman.

Mr. Farley verbally reported a petition and remonstrance in reference to certain boundary lines of Sierra County, and asked that the Committee be discharged from further consideration of the matter.

Agreed to.

Mr. Gaylord verbally reported on Assembly bill No. 321, An Act concerning public Ferries and Toll Bridges.

Mr. Meredith made the following report :

Mr. Speaker:

The Joint Committee on Enrollment have examined, and find correctly enrolled, An Act to fix the Compensation of the County Judge of Sierra County, and to repeal in part the first section of an Act entitled an Act to fix the Compensation of County Judges and Associate Justices of the Courts of Sessions, passed May 17, 1853, also,

An Act fixing the Time of holding the several Courts authorized to be held by the County Judge in the County of Tuolumne; also,

An Act amendatory of an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1854; also,

An Act concerning the Records in the Office of the County Recorder of San Francisco County.

H. B. MEREDITH,
Chairman.

Mr. Gober made the following report :

Mr. Speaker :

The Committee on Vice and Immorality, to whom was referred Assembly bill No. 139, An Act to suppress immoral Assemblages, have considered the same, and report it back with a substitute, and recommend the passage of the substitute.

W. R. GOBER,
Of Committee.

Mr. Ryland made the following report :

Mr. Speaker :

The Committee on Internal Improvements having considered Senate bill No. 164, for An Act to extend the time for commencing the construction of certain Railroads, beg leave to report the same back without amendment, and recommend its passage.

C. T. RYLAND,
Chairman.

Mr. Johnston, of San Francisco delegation, made the following report :

Mr. Speaker :

The Select Committee, composed of the San Francisco delegation, to whom was referred Assembly bill No. 344, have duly considered the same, and beg leave to report it back to the House, without recommendation.

GEO. P. JOHNSTON,
Chairman.

Mr. Johnston, of San Francisco, made the following report :

Mr. Speaker :

The Select Committee, composed of the Marin and San Francisco delegations, having under consideration Assembly bill No. 271, acknowledge themselves to be "Kuow Nothings," as far as a knowledge of the merit of this measure is concerned, and ignorant of any reason for the passage of the bill, other, than that it will create a monopoly, resulting in individual benefit. They beg leave to report the same back to the House, and recommend its indefinite postponement.

GEO. P. JOHNSTON,
Chairman. .

The following message was received from the Senate :

SENATE CHAMBER, April 13, 1855.

Mr. Speaker : .

I am directed to inform the Assembly that the Senate have, on this day, passed the following :

Senate bill No. 92, entitled An Act making appropriations to defray the ordinary civil expenses of the Government of this State, from the first day of February, A. D. 1855, to the first day of February, A. D. 1856.

Also, that they have amended Assembly Concurrent Resolution relative to the Election, in Joint Convention, of Trustees of the Insane Asylum, in which the concurrence of the Assembly is solicited.

C. DICKINSON,
Secretary of Senate.

Senate bill No. 92, An Act making an appropriation to defray the ordinary civil expenses of the Government of this State, from the first day of February, A. D. 1855, to the first day of February, A. D. 1856.

Read first and second time, and referred to Committee on Ways and Means.

The following Concurrent Resolution was adopted, and the Senate amendments concurred in.

Resolved, the Senate concurring, That the two Houses meet in Joint Convention on the 16th day of April at 12 o'clock, M., for the purpose of electing three Trustees of the Insane Asylum.

The following message was received from the Senate :

SENATE CHAMBER, April 13, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on this day, concur in the Assembly Concurrent Resolution relative to the adjournment of the Legislature.

C. DICKINSON,
Secretary Senate.

The following resolution was introduced by Mr. Murdock :

Resolved, by the Assembly, the Senate concurring, That the Board of Examiners of War Claims be requested to forward to the Department of the Interior the muster rolls, or a correct list of all persons who have been called into military service, and regularly mustered therein, and who have been honorably discharged from service in this State from its organization to the present time.

Mr. Flournoy moved to strike out "Board of Examiners of War Claims," and insert Governor.

Agreed to.

Mr. Amyx moved to insert before "muster rolls," "certified."

Not agreed to.

Mr. Arrington moved to lay the resolution on the table.

Not agreed to.

The resolution was then adopted.

Mr. Douglas moved to make Assembly bill No. 262, An Act to create three States out of California, the special order for Tuesday next, at 12 o'clock, M.

Agreed to.

On motion of Mr. Oxley, House resolved itself into Committee of the Whole, to consider Senate bill No. 153, An Act to provide for the settlement of the affairs of the State Marine Hospital at San Francisco, and to dispose of the Property belonging to the same, (Mr. Oxley in the chair.)

Committee rose, reported, and were discharged.

Bill was read third time, and passed.

Mr. Baker moved to take up resolution in relation to Land Office in Tulare County

Agreed to.

Joint Resolution No. 1, relative to the establishment of an additional Land District in this State—

Considered engrossed, and read third time.

Upon its passage, Messrs. Baker, Arrington, and Graves, demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Arrington, Adkison, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Cammet, Cory, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Edwards, Farley, Farwell, Ferrell, Foster, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Lincoln, McCutchan, McCurdy, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Quinn, Rowe, Ryland, Stevens, Stevenson, Sherrard, Smith of El Dorado, Stewart, Taliaferro, Vineyard, Watkins, and Waite—58.

Those who voted in the negative were—

NOES.

Messrs. Ashley, Oxley, Wells, and Mr. Speaker—4.

So the resolution was passed.

Mr. Buffum moved to re-consider the vote.

Mr. Johnston, of San Francisco, moved to indefinitely postpone the motion.

Agreed to.

Mr. Ferrell moved to take up Assembly bill No. 350, An Act to discharge the Board of Examiners of War Claims from further duties, and to abolish the same.

Agreed to.

Read third time and passed.

Mr. Meredith made the following report :

Mr. Speaker :

The Joint Committee on Enrollment presented to Governor Bigler, for his approval, this day :

An Act to fix the compensation of the County Judge of Sierra County, and to repeal, in part, the first section of an Act entitled an Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, passed May 17, 1853 ; also,

An Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Tuolumne ; also,

An Act amendatory of an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1854 ; also,

An Act concerning the Records in the Office of the County Recorder of San Francisco County.

H. B. MEREDITH,
Chairman.

Mr. Moreland made the following report :

Mr. Speaker:

The Committee on Engrossment have examined, and find correctly engrossed :

An Act to authorize the Board of Trustees of the City of San Diego to convey to the President and Board of Directors of the San Diego and Gila Southern Pacific and Atlantic Railroad Company, two leagues of the Pueblo Lands, to aid in the construction thereof ; also,

An Act to authorize the Board of Supervisors, which are hereafter to be elected in and for the County of Klamath, to levy a special Tax for the erection of Public Buildings in said county ; also,

An Act granting the use of certain Overflowed Lands to James F. Hibbard ; also,

An Act to establish the Boundaries of Amador County, and fix the County Seat thereof ; also,

An Act to provide for annulling the contract at present existing between the State of California and James M. Estill, Lessee, for the keeping of the State Prison Convicts, made under an Act entitled an Act to provide for securing the State Prison Convicts, passed April 25, 1751, and an Act entitled an Act in relation to State Prison Convicts, passed April 10, 1852 ; also,

An Act to provide for the redemption of California War Bonds previous to maturity ; and, also,

Assembly Joint Resolution relative to the construction and establishment of Military and Post Roads across the Plains, &c.

THOS. MORELAND,
Chairman.

Mr. Flourney introduced the following resolution :

Resolved, That the Committee, to whom was referred a communication from the Attorney General respecting the claims of certain parties for services rendered as Counsel in the case of John C. Hays *vs.* Pacific Mail Steamship Company, be requested to report a bill allowing said parties a fair and liberal compensation for their services.

Lost.

Assembly bill No. 313, An Act supplemental to and amendatory of an Act entitled an Act to create a Board of Supervisors for the County of Alameda, approved March 9, 1855—

Title amended, read third time, and passed.

Assembly bill No. 88, An Act to provide for the sale of the Swamp and Overflowed Lands belonging to the State—

Read third time, and passed.

Assembly bill No. 363, An Act to purchase the Portrait of Major General John Augustus Sutter—

Read third time, and, upon its passage, Messrs. Jones, Amyx, and Moreland, demanded the ayes and noes.

Mr Farley moved the previous question.

Sustained.

The question then recurred on the passage of the bill, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Adkison, Bates, Beatty, Bogardus, Brewton, Brown of Nevada, Buffum, Chase, Clayton, Coombs, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Gragg, Hosmer, Johnston of San Francisco, Kinney, Lincoln, McCurdy, Mellus, Meredith, Oxley, Phelps, Rowe, Stevens, Sherrard, Smith of Marin, Stewart, Vineyard, Waite, and Mr. Speaker—44.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Baker, Boles, Brown of Contra Costa, Cammet, Cory, Gober, Graves, Hunt, Jones, Keys, McCutchan, Murdock, Quinn, Ryland, Stevenson, Singley, Smith of El Dorado, Updegraff, Watkins, Wells, and Whitney—22.

So the bill was passed.

Mr. Edwards moved a reconsideration.

Mr. Farwell moved to indefinitely postpone the motion.

Agreed to

Assembly bill No. 296, An Act to provide for the redemption of California War Bonds previous to maturity—

Read third time, and passed.

Assembly bill No. 266, An Act granting the use of certain Overflowed Lands to James F. Hibbard—

Read third time, and passed.

Assembly bill No. 293, An Act for the relief of Joseph Marzen and Bernhardt Mayer—

House resolved itself into Committee of the Whole, Mr. Farley in the chair.

Committee rose, reported, recommended the passage of the bill, and were discharged.

Bill read third time, and passed

Assembly bill No. 335, An Act amendatory of and supplementary to an Act entitled an Act to create a Board of Supervisors for the County of San Diego, and to define their duties—

Read third time, and passed.

Assembly bill No. 320, An Act to authorize the Board of Supervisors which are hereafter to be elected, in and for the County of Klamath, to levy a special Tax for the erection of Public Buildings in said county—

Read third time and passed

Senate bill No. 83, a bill for An Act to declare the Tenure of Lands in the Mining Districts of this State—

Read third time.

Mr. Stevenson moved to refer to select Committee.

Agreed to.

Senate bill No. 149, An Act to prohibit public Gambling—

Mr. Edwards moved to lay on the table.

Agreed to

Assembly bill No. 332, An Act to amend an Act entitled an Act to fix the time for holding the Terms of the District Courts throughout this State, passed May 18, 1853—

Considered engrossed, read third time, and passed.

Assembly bill No. 329, An Act to prevent Frauds in re-packing, marking, and vending of Flour

Substitute adopted, read third time, and passed

Assembly bill No. 190, An Act to amend an Act regulating Elections, passed March 23, 1850—

Substitute amended.

Mr. Stevenson moved to amend by striking out "native born."

Whereupon, Messrs. Cunningham, Oxley, and Quinn, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Ashley, Baker, Beatty, Bogardus, Boles, Cory, Clayton, Coombs, Covarrubias, Cunningham of Sierra, Ferrell, Flournoy, Foster, Gaver, Geller, Graves, Hunt, Kinney, McCutchan, Murdock, Quinn, Stevens, Stevenson, Singley, Smith of Marin, Watkins, Waite, and Wells—29.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Adkison, Doughty, Ferguson, Gaylord, Gober, Gragg, Homer, Jones, Keys, Lincoln, McCurdy, Mellus, Meredith, Moreland, Oxley, Phelps, Rowe, Ryland, Updegraff, and Mr. Speaker—22.

Agreed to.

Mr. Flournoy moved to adjourn.

Messrs. Flournoy, Oxley, and Stevenson, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Adkison, Bates, Beatty, Chase, Clayton, Farley, Flournoy, Ferguson, Gaver, Gaylord, Geller, Keys, Kinney, McCurdy, Mellus, Meredith, Moreland, Oxley, Phelps, and Vineyard—21.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Ashley, Baker, Bogardus, Boles, Brewton, Cory, Coombs, Covarrubias, Cunningham of Sierra, Curtis, Doughty, Ferrell, Foster, Gober, Graves, Gragg, Hunt, Johnston of San Francisco, Jones, Lincoln, McCutchan, Murdock, Quinn, Rowe, Ryland, Stevenson, Singley, Smith of Marin, Updegraff, Watkins, Waite, Wells, and Mr. Speaker—34.

So the motion was lost.

Mr. Oxley moved to make the bill the special order for next Thursday, at 12 o'clock.

Lost.

Bill considered engrossed, read third time, and passed.

Mr. Smith of Marin moved to re-consider.

Mr. Farley moved to indefinitely postpone.

Agreed to.

Mr. Johnston, of San Francisco, introduced the following resolution :

Resolved, That the Comptroller of State be requested to furnish a statement to this House, on Monday next, setting forth what amount of the public money has been paid to lawyers, as fees, for what service and out of which fund or funds the same has been paid.

On motion of Mr. Oxley, House adjourned at 2 o'clock, P. M.

IN ASSEMBLY.

MONDAY, April 16, 1855.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and the following members were absent :

Messrs. Arrington, Bates, Beatty, Brown of Nevada, Cammet, Chase, Dana, Flournoy, Gaver, Johnson of El Dorado, Jones, Knox, Lincoln, McConnell, Rodgers, Rowe, Smith of El Dorado, Stewart, Taliaferro, Taylor, Waite and Whitney.

On motion, leave of absence was granted Messrs. Brown of Nevada and Smith of El Dorado, for one day each.

Journal of Saturday was read and approved.

Mr. Murdock introduced a bill entitled An Act granting to Chinese Residents of this State a certain Tract of Tule Land.

Read first time.

Mr. Stevenson moved to reject the bill.

Messrs. Stevenson, Amyx and Bogardus demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Bogardus, Boles, Covarrubias, Curtis, Foster, Ferguson, Geller, Gragg, Kiuney, Palmer, Phelps, Quinn, Stevenson and Wells—15.

Those who voted in the negative were—

NOES.

Messrs. Ashley, Adkison, Baker, Brewton, Brown of Contra Costa, Buffum, Burke, Clayton, Coombs, Cunningham of El Dorado, Douglas, Doughty, Edwards, Farley, Ferrell, Gaylord, Gober, Graves, Hunt, Johnston of San Francisco, Keys, McCutchan, Mellus, Meredith, Morelaud, Oxley, Ryland, Stevens, Sherrard, Singley, Smith of Marin, Taliaferro, Updegraff, Vineyard, Watkins and Mr. Speaker—36.

So the motion was lost.

Mr. Edwards, on leave, introduced a bill for An Act supplementary to and explanatory of an Act entitled an Act to prohibit Lotteries, Raffles and Gift Enterprises, and other Schemes of a like character, passed April 10, 1855.

Read first and second time and laid on the table.

Mr. Mellus verbally reported an account of F. B. Murdock, for San Jose Telegraph furnished members of Legislature of 1854, and that the account had been paid heretofore.

Mr. Farley, Chairman, made the following report:

Mr. Speaker :

The Committee on Counties and County Boundaries have had under consideration Senate bill No. 120, An Act to amend the second section of an Act concerning County Judges, passed April 4, 1854, and report the same back to the House and recommend its passage.

FARLEY,
Chairman.

Mr. Meredith, Chairman, made the following report:

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled, An Act to Incorporate the Town of El Dorado; also,
An Act to attach a portion of El Dorado County to the County of Amador.

H. B. MEREDITH,
Chairman.

Mr. Kinney verbally reported Assembly bill, An Act to provide for the Government of the State Prison.

Read first and second time and ordered printed.

Mr. Smith of Marin moved to make the bill the special order for Thursday next, 19th, at 11 o'clock.

Agreed to.

Mr. Johnston of San Francisco made the following report:

Mr. Speaker :

The select Committee to whom was referred Assembly bills Nos. 193' and 292, having duly considered the same, and arrived at the conclusion that either of them will accomplish the object of both, beg leave to report the bills back to the House, and recommend the passage of one or the other.

Your Committee are of opinion that the best interests of California demand the prohibition of the immigration of such persons as are not capable of becoming citizens of the United States, or the establishment of such regulations as will operate as a check upon it.

Either of the bills reported back will accomplish the latter object. If carried into effect, the poorer, more ignorant and degraded of the inferior and mixed races, who, under present laws, are rapidly concreting in a foreign, dangerous, demoralizing and useless element in our State, will be debarred the entry of our ports. This end will be attained, too, without interfering injuriously with those commercial relations with Asiatic nations which may hereafter be necessary to enable us to realize the advantages and reap the golden profits of the East India trade. The provisions of neither of these bills will prevent the respectable Chinese trader from coming to California to use his own capital, or to act as agent for a firm in his own country. Such immigrants would experience no difficulty in paying the capitation tax proposed in one, or in executing the bond required by the other of these bills. In this way, one of the

principal objections to measures of this character is obviated ; and those who look upon the East India trade as a financial panacea, or view it as the fountain of national and municipal revenue, from which the healing waters of prosperity will be hereafter conducted throughout the length and breadth of our land, can yet have a fair opportunity of testing the correctness of their opinions.

Your Committee are aware of but two other arguments (besides that growing out of the East India trade) against the prohibition or limitation of such immigration as is above considered. One of these is urged by those who advocate "the extension of the area of human freedom" and the dissemination of the blessings of republicanism among all the nations of the earth. To such large-souled enthusiasts your Committee would simply say, political philanthropy, like private charity, "should begin at home;" nor is it altogether clear to your Committee that it should not end there. The other argument is that the labor of these immigrants is necessary to or beneficial in the development of our mineral and agricultural resources. The answer of your Committee to this reasoning is that the gold mines of California constitute a heritage for the poor men of America, which, judiciously managed, will endure for generations to come, and which should not be squandered among the debased and ignorant beings these bills are intended to affect.

Your Committee are fully satisfied with the constitutionality of this class of measures. The authorities sustaining such a conclusion have been cited in the able reports of previous Committees on this subject. In the different reports which have been heretofore submitted to this House, reasons can be found to justify the recommendation of the passage of either of these bills, and your Committee do not deem it necessary to reiterate them here. A momentary review of the long train of evils following a continuation of this objectionable immigration, discloses the premature depletion of our own mineral wealth, repeated scenes of violence and bloodshed, demoralization of our own people, and the probable slavery of these inferior and mixed races. These are the almost inevitable fruits of this foreign influx, in the estimation of your Committee, and they cannot regard a temporary financial prosperity, or the establishment of one or two mongrel republics, on Asiatic soil, as an equivalent for a harvest of evils so prolific.

Your Committee have been deterred from the presentation of statistical information to this House, as well as from any elaborate arguments in support of the doctrine of prohibited or limited immigration, because of the able and detailed reports which have been made by other select Committees on this subject.

In conclusion, your Committee are fully aware of the mighty interests involved in the questions contained in these bills, of a political, financial and social character, and deeply regret their incapacity and the lack of that experience so requisite to do justice to the subject.

All of which is respectfully submitted.

GEO. P. JOHNSTON,
Chairman.

The following communication was received from the State Treasurer:

STATE TREASURY DEPARTMENT,
Sacramento, April 16, 1855. }

To the Honorable the Speaker of the Assembly :

In answer to Assembly resolution "requesting the State Treasurer to inform this House whether any money has been received into the State Treasury since the first day of February, 1855, and, if so, from what counties it has been received and what disposition has been made of it," I have the honor to submit the accompanying printed "communication of the State Treasurer with reference to the condition of the Treasury during the month of February, 1855," together with an exhibit in writing, containing a complete tabular representation of the financial condition and operations of the Treasury from March 1 to April 14, 1855, &c.

I have the honor to be,
Very respectfully,
Your obedient servant,

S. A McMEANS,
State Treasurer.

The following messages were received from the Senate :

SENATE CHAMBER, April 14, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on yesterday, pass the following:

Assembly bill No. 223, An Act to authorize the Construction of a Bridge across Mission Creek.

Respectfully submitted,

C. DICKINSON.
Secretary Senate.

SENATE CHAMBER, April 14, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on yesterday, pass the following bills:

Assembly bill No. 341, entitled An Act to provide Revenue for the Support of the Government of this State, passed May 15, 1854.

Assembly bill No. 275, An Act to legalize a certified Copy of Book A. of Records of Sacramento County.

Assembly bill No. 327, An Act to incorporate the Town of El Dorado.

Assembly bill No. 134, An Act to prohibit any Person or Persons, Association, Company or Corporation from exercising the privilege of Banking or creating Paper to circulate as Money.

Assembly bill No. 109, An Act to extend an Act for the Protection of Game, passed May 1st, 1852, to the Counties of Shasta and Trinity.

Assembly bill No. 306, An Act to provide for the Extinguishment of the Indebtedness, present and accruing, of the County of Monterey.

Assembly bill No. 148, An Act relating to the Safe-keeping of the Public Moneys.

Assembly bill No. 303, An Act to attach a portion of El Dorado County to the County of Amador.

All of which is respectfully submitted,

C. DICKINSON,

Secretary of Senate.

SENATE CHAMBER, April 14, 1855.

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on yesterday, pass the following :

Assembly bill No. 73, entitled An Act to suppress Gaming.

C. DICKINSON,

Secretary Senate.

SENATE CHAMBER, April 14, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on yesterday, pass the following bills:

Senate bill No. 189, An Act appropriating Moneys for the Benefit of the Orphan Asylums of the City of San Francisco.

Senate bill No. 180, An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

C. DICKINSON,

Secretary of Senate.

Senate bill No. 189, An Act appropriating Moneys for the Benefit of the Orphan Asylums of the City of San Francisco.

Read first and second time and referred to Committee on Ways and Means.

Senate bill No. 180, An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

Read first and second time and referred to Sonoma and Napa delegations.

Mr. Taliaferro moved to take from file Assembly bill No. 56, An Act supplementary to the Act entitled an Act to Incorporate the City of Sacramento, (passed March, 1851) approved March 31, 1855

Agreed to.

Substitute adopted.

Considered engrossed.

Read third time and passed.

Assembly bill No. 170, An Act concerning Roads and Highways.

House resolved itself into Committee of the Whole, Mr. Gober in the Chair.

Committee rose and had leave to sit again.

On motion, the Clerk was directed to inform the Senate that the Assembly

was ready to meet the Senate in Joint Convention, for the purpose of electing three Trustees of the Insane Asylum.

The Sergeant-at-Arms announced the President and members of the Senate.

IN CONVENTION.

The Joint Convention was called to order.

On the roll being called, the following Senators were found to be absent without leave:

Messrs Day, Flint, Gove, Hawks, Mahoney, May, McCoun, McNeil, Peck and Stebbins, and

Messrs. Arrington, Bates, Brown of Nevada, Cammet, Chase, Cook, Dana, Farwell, Gaver, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Knox, McConnell, Moreland, Rodgers, Rowe, Smith of El Dorado, Stewart, Taylor and Whitney of the Assembly.

Messrs. McFarland, of the Senate, and Douglas, of the Assembly, were appointed Tellers.

Mr. Ryland moved that the Convention adjourn.

Not agreed to.

Mr. McFarland nominated Messrs. Gove, Lester and Jordan.

Mr. Flournoy moved to adjourn *sine die*.

Upon which the ayes and noes were demanded by Messrs. Flournoy, Leake and French, with the following result:

Those who voted in the affirmative were—

AYES.

SENATE.—Messrs. Burton, Colby, Gove, Hawthorne, Kendall, McGarry, Moore, Norman, Rust, Scellen and Sprague—11.

Those who voted in the negative were—

NOES.

Messrs. De La Guerra, French, Hall, Heintzelman, Hook, Keene, Leake, Lippincott, Mandeville, McFarland, Tuttle and Whiting—12.

Those who voted in the affirmative were—

AYES.

ASSEMBLY.—Messrs Andrews, Arrington, Ashley, Adkison, Brown of Contra Costa, Buffum, Cory, Clayton, Curtis, Douglas, Edwards, Farley, Ferrell, Flournoy, Ferguson, Gaylord, Gober, Graves, Gragg, Jones, Keys, Lincoln, McCutchan, Mellus, Meredith, Moreland, Oxley, Phelps, Ryland, Sherrard, Smith of Marin, Updegraff, Vineyard, Watkins, Waite and Mr. Speaker—36.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Beatty, Bogardus, Boles, Brewton, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Foster, Geller, Hunt, Johnston of San Francisco, Kinney, McCurdy, Murdock, Palmer, Quinn, Stevens, Stevenson, Singley, Taliaferro and Wells—25.

Total—Ayes, 47, Noes, 37.

So the Convention adjourned *sine die*.
The Senate withdrew.

On motion, the House resolved itself into Committee of the Whole, Mr. Gober in the Chair, to consider the several Road bills.
The Committee rose, reported and were discharged.
The House adopted substitute and concurred in Committee amendments.
The bill was ordered engrossed.

Mr. Meredith, Chairman, made the following report :

Mr. Speaker :

The Joint Committee on Enrollment presented to Governor Bigler, for his approval, this day, An Act to Incorporate the Town of El Dorado; also,
An Act to attach a portion of El Dorado County to the County of Amador.

H. B. MEREDITH,
Chairman.

The following messages were received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 16, 1855. }

To the Assembly of California :

I have this day approved the following Acts, viz :
An Act to attach a portion of El Dorado County to the County of Amador.
An Act to Incorporate the Town of El Dorado.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento, April 16, 1855. }

To the Assembly of California:

I have this day approved the following Acts, which originated in the Assembly, viz:

An Act to fix the Compensation of the County Judge of Sierra County and to repeal, in part, the first section of an Act entitled an Act to fix the Com-

pensation of County Judges and Associate Justices of the Courts of Sessions, passed May 17, 1853

An Act fixing the Time for holding the several Courts authorized to be held by the County Judge in the County of Tuolumne.

An Act amendatory of An Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1854.

An Act concerning the Records in the Office of the County Recorder of San San Francisco County.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento, April 14, 1855. }

To the Assembly of California :

I have this day approved an Act which originated in the Assembly, entitled An Act prescribing the Manner of electing United States Senators.

JOHN BIGLER.

The following message was received from the Senate :

SENATE CHAMBER, April 16, 1855

Mr. Speaker :

I am directed to inform the Assembly that the Senate have, on this day, passed Senate bill No 191, entitled An Act supplementary to the Act entitled an Act to amend and supplementary to an Act entitled an Act to Incorporate the City of Sacramento, (passed March, 1851) approved March 31, 1855.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Senate bill No. 191, An Act supplementary to the Act entitled an Act to Incorporate the City of Sacramento, (passed March, 1851) passed March 31, 1855.

Read first, second and third time and passed.

Assembly bill No. 136, An Act amendatory of An Act entitled an Act to provide for the disposal of the Five Hundred Thousand Acres of Land granted to this State by an Act of Congress passed May 3, 1852.

Read third time.

Mr. Wells moved to re-commit.

Agreed to

Mr. Burke moved to re-consider the vote just taken on Senate bill No. 191.

Mr. Stevenson moved to indefinitely postpone the motion.

Agreed to.

Assembly bill No. 263, An Act requiring the Closing of Business Houses, in certain Counties of this State, on the First Day of the Week, commonly called Sunday.

On motion of Mr. Farley, Amaçor county was inserted.

On motion of Mr. Hunt, San Bernardino was inserted.

On motion of Mr. Keys, San Joaquin was inserted.

Mr. Buffum offered the following amendment :

“ And, in the counties above named, no person shall, on the first day of the week, commonly called Sunday, perform any servile labor, or ride, or walk, except in going to or returning from church.”

Lost.

Mr. Buffum moved to re-commit the bill, with a view to bring in a bill of a general character.

Mr. Flournoy moved the previous question.

Sustained.

Messrs. Graves, Buffum and Coombs demanded the ayes and noes on the re-commitment, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Beatty, Bogardus, Buffum, Covarrubias, Douglas, Ferrell, Gaver, Graves, Gragg, Keys, Kinney, McCutchan, McCurdy, Stevenson, Smith of Marin, Taliaferro and Waite—19.

Those who voted in the negative were—

NOES.

Messrs. Ashley, Baker, Boles, Brewton, Brown of Contra Costa, Burke, Cory, Clayton, Coombs, Cunningham of El Dorado, Curtis, Doughty, Edwards, Farley, Flournoy, Foster, Ferguson, Gaylord, Geller, Gober, Hunt, Jones, Lincoln, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Quinn, Ryland, Stevens, Vineyard, Watkins, Wells and Mr. Speaker—36.

So the House refused to re-commit.

The question was then taken on engrossing the bill.

Messrs. Ryland, Phelps and Cunningham of Sierra demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Beatty, Boles, Brewton, Brown of Contra Costa, Burke, Cory, Clayton, Coombs, Cunningham of El Dorado, Douglas, Doughty, Edwards, Farley, Flournoy, Foster, Ferguson, Gober, Hunt, Jones, Keys, Kinney, Knox, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Sherrard, Singley, Taliaferro, Updegraff, Vineyard, Wells and Mr. Speaker—42.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Baker, Bogardus, Buffum, Covarrubias, Cunningham of

Sierra, Ferrell, Gaver, Gaylord, Geller, Graves, Gragg, McCutchan, McCurdy, Smith of Marin, Watkins, and Waite—17.

So the bill was ordered engrossed.

Mr. Stevenson gave notice that he would, on to-morrow, move a re-consideration of the vote just taken.

Mr. Lincoln moved to adjourn.

Messrs. Buffum, Ashley and Ryland demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Bogardus, Brewton, Buffum, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Farley, Foster, Ferguson, Gaver, Gaylord, Geller, Graves, Hunt, Lincoln, McCutchan, McCurdy, Meredith, Oxley, Quinn, Stevenson, Sherrard, Smith of Marin, Taliaferro, Updegraff, Vineyard and Mr. Speaker—28.

Those who voted in the negative were—

NOES.

Messrs. Ashley, Baker, Beatty, Boles, Brown of Contra Costa, Burke, Cory, Clayton, Coombs, Covarrubias, Douglas, Doughty, Edwards, Ferrell, Flournoy, Gober, Gragg, Jones, Keys, Kinney, Mellus, Moreland, Murdock, Palmer, Phelps, Ryland, Stevens, Singley, Watkins, Waite and Wells—31.

So the motion was lost.

Mr. Burke introduced a bill for An Act amendatory of and supplementary to an Act entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, passed May 15, 1854.

Read first and second time.

On motion of Mr. Smith of Marin, the House adjourned at three o'clock and fifteen minutes, P. M.

IN ASSEMBLY.

TUESDAY, April 17, 1855.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called, and the following members were absent:

Messrs. Arrington, Chase, Covarrubias, Rowe, and Stewart.

The Journal of yesterday was read, amended, and approved.

Assembly bill No. 367, An Act granting to Chinese Residents of this State a certain tract of Tule Lands—

Read second time, and referred to the select Committee having the subject under consideration.

Mr. Farley introduced a bill for An Act to divide the Nineteenth Senatorial District in this State.

Read first and second time, and referred to Amador delegation.

Senate bill No. 180, An Act to amend an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

Read third time and passed.

Mr. Meredith made the following report :

Mr. Speaker :

The Joint Committee on Enrollment have examined, and found correctly enrolled—

An Act to authorize the construction of a Bridge across Mission Creek ; also,

An Act to provide for the extinguishment of the Indebtedness, present and accruing, of the County of Monterey ; also,

An Act to extend an Act for the Protection of Game, passed May 1, 1852, to the Counties of Shasta and Trinity ; also,

An Act to amend an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854 ; also,

An Act relating to the safe-keeping of the Public Moneys ; also,

An Act to suppress Gaming.

H. B. MEREDITH,
Chairman.

Mr. Gober made the following report :

Mr. Speaker:

The Committee on Vice and Immorality, to whom was referred Assembly bill No. 334, An Act to amend an Act entitled an Act regulating Marriages, have con-

sidered the same, and beg leave to report it back to the House, and recommend its indefinite postponement.

W. R. GOBER,
Chairman.

Mr. Moreland made the following report :

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed—

An Act supplementary to and amendatory of an Act entitled an Act to create a Board of Supervisors for the County of Alameda, approved March 19, 1855, and to repeal so much of the Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 20, 1855, as may apply to the County of Alameda ; also,

An Act amendatory of and supplementary to an Act entitled an Act to create a Board of Supervisors for the County of San Diego, and to define their duties, approved May 3, 1852 ; also,

An Act to discharge the Board of Examiners of War Claims from further duties, and to abolish the same ; also,

An Act for the relief of Joseph Marzen and Bernhardt Mayer ; also,

An Act to organize the County of Buena Vista ; also,

An Act to prevent Frauds in re-packing, marking, and vending of Flour in this State ; also,

An Act to amend an Act entitled an Act to fix the times for holding the Terms of the District Courts throughout this State, passed May 18, 1853 ; also,

An Act to change the name of Joseph Wilson to Albert Calhoun Joseph Wilson ; also,

An Act to fix the Compensation of District Attorneys for the several Counties of this State ; also,

An Act in relation to the several Funds of this State ; also,

An Act to authorize J. P. Lane, R. L. Mathews, and others, to construct a Wagon Road from San Juan Valley to the San Joaquin Valley, and to provide for the Tolls to be collected on the same , also,

An Act to amend an Act to regulate Elections, passed March 23, 1850 ; and, also,

Assembly Joint Resolution relative to the establishment of an additional Land District in this State.

THOS. MORELAND,
Chairman.

The following message was received from the Senate :

SENATE CHAMBER, Sacramento, April 16, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on the 14th instant, pass Senate bill No. 44, entitled An Act concerning Public Ferries and Toll Bridges.

C. DICKINSON,
Secretary Senate.

Senate bill No. 44, An Act concerning Public Ferries and Toll Bridges—

Read first and second time, and referred to Select Committee of five, with instructions to report as soon as practicable : Committee, Messrs. Adkison, Ryland, Gaylord, Sherrard, and Johnson of El Dorado.

Mr Stevenson moved to take from the table Assembly bill No. 368, An Act supplementary to and explanatory of an Act entitled an Act to prohibit Lotteries, Raffles, and Gift Enterprises, and other schemes of a like character, passed April 10, 1855.

Agreed to.

The bill was amended, considered engrossed, read third time, and upon its passage, Messrs Ashley, Amyx, and Phelps, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Adkison, Baker, Beatty, Bogardus, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Clayton, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Dana, Doughty, Edwards, Farwell, Foster, Ferguson, Gaver, Gaylord, Graves, Hosmer, Johnston of San Francisco, Keys, Kinney, Lincoln, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Quinn, Stevens, Stevenson, Sherrard, Singley, Smith of Marin, Taliaferro, Vineyard, Watkins, Wells, Whitney, and Mr. Speaker—46.

Those who voted in the negative were—

NOES.

Messrs Amyx, Ashley, Buffum, Cammet, Cory, Ferrell, Gober, Gragg, Hunt, McCutchan, Palmer, Phelps, Ryland, and Updegraff—14.

So the bill was passed.

Mr. Hosmer moved to take from the table Senate bill No. 189, An Act appropriating Moneys for the benefit of the Orphan Asylum of the City of San Francisco. Not agreed to.

Mr. Clayton moved to take the three bills in relation to the Chinese from the file. Agreed to, and made the special order for to-morrow, at 11 o'clock, A. M.

Mr. Murdock introduced the following resolution :

Resolved, That the House on, and after Wednesday, 18th instant, hold an extra session each legislative day, commencing at 7 o'clock, P. M.

Read, and laid over under the rule.

The following report was received from the Controller of State :

OFFICE OF CONTROLLER OF STATE,
Sacramento, April 17, 1855. }

To the Hon. the Speaker of the Assembly:

SIR :

In accordance with a resolution of the Assembly, calling for information with regard to Lawyer's Fees, I have the honor to submit the following statement :

Warrants issued for legal services, payable out of the appropriation of \$10,000, passed May 3, 1852—

1852 and 1853, Thomas Morse,	-	-	-	-	-	\$7,000
1853, May 23, S. C. Hastings,	-	-	-	-	-	1,000
" Dec. 30, J. A. McDougal,	-	-	-	-	-	2,000
						<hr/> \$10,000

Payable out of the appropriation for the Prosecution of Escheated Estates, passed 1855—

April 5, 1855, To Wm. M. Stewart,	-	-	-	-	\$5,000
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Payable out of the General Fund, for services rendered Board of California Land Commissioners—

Nov. 23, 1853, To George C. Bates,	-	-	-	\$3,000
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Payable out of the Contingent Fund of the Board of California Land Commissioners—

March 14, 1855, To R. T. Sprague,	-	-	-	\$1,500
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Payable out of the General Fund, for services in prosecuting violations of Revenue Laws—

July 30, 1853, To Hoge & Wilson,	-	-	-	\$3,333 33
Aug. 22, " To H. S. McGraw & Co.,	-	-	-	3,333 00
Sept. 24, " To Isaac Thomas,	-	-	-	3,333 33
Dec. 24, " To Do.	-	-	-	6,666 67
" " To J. P. Hoge,	-	-	-	6,666 67
				<hr/> \$23,333 00

Payable out of General Fund, on October 22, 1853, to E. Randolph, for services in case of C. B. Fowler vs. Controller of State,

\$3,000

Payable out of Contingent Fund of the Controller of State, for Prosecuting Delinquents—

Feb. 4, 1854, To James H. Wade,	-	-	-	\$100
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Payable out of the General Fund, for the same services, under Act of March 14, 1855—

To James H. Wade,	-	-	-	-	-	\$1,400
Total amount,	-	-	-	-	-	\$47,333

Respectfully, your obdt. svt.

SAM. BELL,

Controller of State.

Per ELAM COVINGTON, Clerk.

House resolved itself in Committee of the Whole on special order, Mr. Taliaferro in the chair, to consider Assembly bill No. 262, An Act to create three States out of the territory of California.

Committee rose, reported, and were discharged.

On motion of Mr. Douglas, the bill was referred to a Select Committee of nine : Messrs. Douglas, Ashley, Curtis, Edwards, Ferrell, Wells, Johnston of San Francisco, Hunt, and Rowe, with instructions to draft an address to the people of the State.

Mr. Johnston, of San Francisco, verbally reported a substitute for Assembly bill No. 6, An Act to re-incorporate the City of San Francisco.

Adopted, ordered printed, and made the special order for to-morrow, at 2 o'clock, P. M.

The following messages were received from the Governor :

EXECUTIVE DEPARTMENT, }
Sacramento, April 16, 1855. }

To the Assembly of California :

I have this day approved An Act which originated in the Assembly, entitled An Act to provide for the settlement of the affairs of the State Marine Hospital at San Francisco, and to dispose of the property belonging to the same.

This Act requires the Commissioners named to examine and report upon all outstanding claims against the State Marine Hospital *prior* to the first day of May next ; leaving them, exclusive of Sundays, but fourteen days in which to perform the entire service.

Believing that it will require more time than is allowed by the Act to carefully examine and determine upon the correctness of claims believed to amount, in the aggregate, to one hundred thousand dollars, and for which that sum is appropriated in the Act, I think it would be well to pass a supplemental Act, extending the time within which the settlement should be made at least to the first day of July next.

I am assured that careful inquiry and examination is necessary, in order to protect the interests of the State in the settlement of claims against the Hospital. The time specified in the Act, in my opinion, is entirely too limited to admit of a thorough examination by the officers named, whose manifold duties will necessarily detain them at the Seat of Government until the adjournment of the present Legislature.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento, April 17, 1855. }

To the Assembly of California :

I have this day approved of the following Acts, which originated in the Assembly, viz :

An Act to suppress Gaming.

An Act to extend an Act for the protection of Game, passed May 1, 1852, to the Counties of Shasta and Trinity.

An Act to amend an Act to provide Revenue for the Support of the Government of this State, passed May 15, 1854

An Act to provide for the Extinguishment of the Indebtedness, present and accruing, of the County of Monterey.

JOHN BIGLER,

EXECUTIVE DEPARTMENT,
Sacramento, April 16, 1855. }

To the Assembly of California:

I have this day approved an Act which originated in the Assembly, entitled An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 15, 1854.

In approving this Act, I deem it proper to state, that it is objectionable, for the reason that the second section provides that it shall be the duty of the Governor to appoint Judges for the new Districts thereby created. A careful examination of the provisions of the Constitution, and investigation of the subject, have satisfied me that the Legislature cannot authorize the appointment or elections of such officers, otherwise than is provided for in the Constitution—the letter and spirit of which, in my opinion, leave the whole subject with the people directly interested.

Section 5 of Article 6 of the Constitution, provides for dividing the State into Judicial Districts, and the election of Judges by the joint vote of the Legislature at its first meeting, to hold office for the term of two years, “after which, said Judges shall be elected by the qualified electors of their respective districts at the general election, and shall hold their office for the term of six years”

It is evident that the framers of the Constitution intended, after the first election of Judges by the Legislature, to refer the whole matter to the people of the several districts, and there is no provision in the Constitution conflicting with this view. On the contrary, the spirit, if not the letter of that instrument, affirms its entire correctness.

Section 8 of Article 5 of the Constitution provides, that “when any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy, by granting a commission which shall expire at the end of the next session of the Legislature, or at the next election by the people”

The term “vacancy,” as used in the above section of the Constitution, it is maintained, applies only to cases where an office has been duly filled in accordance with the Constitution and laws, and subsequently “becomes vacant,” from death, resignation, or otherwise.

Entertaining these views of the powers of the Legislature in the premises, I should have felt compelled to return the Act above named without approval, if I had not received the assurance of members representing the several Districts inter-

ested, that the new Districts created by the Act were absolutely necessary to meet the wants of the people, and that the interposition of objections, on my part, at this time, would, perhaps, defeat for another year at least the formation of the Judicial Districts so eminently required

Having assented to the wishes of those interested, and approved the Act, I hope that a supplementary Act will be passed before your final adjournment, repealing so much of Section 2 of the Act above named, as provides for the appointment of Judges by the Executive; leaving the election of the Judges provided for in the Act to the people themselves at the next general election, as required by Section 5 of Article 6 of the Constitution.

In explanation, it is, perhaps, proper here to remark, that on the last day of the session of the Legislature of 1854, I approved a similar Act, providing for the creation of the Twelfth Judicial District, and the appointment of the Judge by the Governor.

This Act, together with forty-four others, was approved on the last day of the session, leaving me but little time to devote to the examination of the questions involved. I then, however, as now, doubted the correctness of the action of the Legislature, but at the urgent solicitation of the people interested, approved the Act under protest, as will be seen by reference to the message approving the same.

The citizens of San Francisco, at that date, occupied a peculiar position. By Concurrent Resolution of both Houses of the Legislature, which resolution, it is proper to state, it was unnecessary to present for my approval, and which was never seen by me, leave of absence from the State was granted to the only District Judge of the county, and the citizens thereby deprived of a Court so much needed to attend to the accumulated and fast increasing business of the city and county.

In conclusion, I would again respectfully urge upon you the propriety of passing the supplementary Act above referred to, in order that the Act this day approved may be made to conform to the provisions of the Constitution of the State.

JOHN BIGLER.

Mr. Stevenson moved to adjourn till 7 o'clock, P. M.

Not agreed to.

On motion of Mr. Oxley, the House adjourned at 3 o'clock and 10 minutes P. M.

IN ASSEMBLY.

WEDNESDAY, April 18, 1855.

House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called, and the following members were absent :

Messrs. Cook, Covarrubias and Knox.

The Journal of yesterday was read and approved.

On motion, Mr. Cook was granted indefinite leave of absence.

Mr. Mellus, verbally reported Assembly bill No. 307, An Act to provide for the Payment of Claims against the State approved by the Legislature and recommended indefinite postponement.

Mr. Meredith made the following report :

Mr. Speaker:

The Joint Committee on Enrollment presented to Governor Bigler, for his approval, yesterday, the following Acts:

An Act to authorize the Construction of a Bridge across Mission Creek.

An Act to provide for the Extinguishment of the Indebtedness, present and accruing, of the County of Monterey.

An Act to extend an Act for the Protection of Game, passed May 1, 1852, to the Counties of Shasta and Trinity.

An Act to amend an Act to provide Revenue for the Support of the Government of this State, passed May 15, 1854.

An Act relating to the Safe-keeping of the Public Moneys.

An Act to Suppress Gaming.

H. B. MEREDITH,
Chairman.

April 18, 1855.

Mr. Ashley, from the Judiciary Committee, made the following report:

Mr. Speaker :

The Judiciary Committee have considered Senate bill No. 127, and have prepared certain amendments and additions thereto. It is believed that this bill, as proposed to be amended, will remedy some of the most glaring defects in our civil practice—a result very desirable—for which reason the Committee recommend the adoption of the amendments and the passage of the bill.

ASHLEY,
Of Committee.

The following report was received from the Sergeant-at-Arms:

SACRAMENTO, April 16, 1855.

To the Speaker of the Assembly:

SIR :

I herewith report, in obedience to a resolution of the Assembly, the number of papers ordered for the use of the members, as per resolution of January last :

Democratic State Journal, 49 dailies and 6 weeklies.
Sacramento Union, 56 dailies and 14 weeklies.
Union Democrat, (Sonora) 12 weeklies.
San Francisco Herald, 17 dailies and 2 weeklies.
California Statesman, 39 dailies and 30 weeklies.
San Joaquin Republican, 9 dailies and 16 weeklies.
Times and Transcript, 57 dailies and eight weeklies.
Nevada Democrat, 4 weeklies.
Nevada Journal, 5 weeklies.
Wide West, (San Francisco) 5 weeklies.
State Tribune, 38 dailies.
Mountain Messenger, 7 weeklies.
California Democrat, 10 dailies.
Alta California, 17 dailies and 5 weeklies.
Miners' Advocate, 20 weeklies.
California Chronicle, 23 dailies and 8 weeklies.
California Farmer, 39 weeklies.
Evening Journal, 19 dailies.
Mountain Democrat, 11 weeklies.
Humboldt Times, 10 weeklies.
San Francisco Sun, 3 dailies.
San Francisco Evening News, 2 dailies.
San Diego Herald, 2 weeklies.
California Express, 10 tri-weeklies.
Grass Valley Telegraph, 6 weeklies.
Marysville Herald, 15 dailies.
Daily Item, 1 weekly.
New York Tribune, 1 weekly.
Trinity Times, 30 weeklies.
San Jose Tribune, 2 tri-weeklies.
Crescent City Herald, 1 weekly.
La Cronica, 1 weekly.
Le Messenger, 1 weekly.
Golden Era, 10 weeklies.
Shasta Courier, 2 weeklies.
Sierra Citizen, 3 weeklies.
Amador Sentinel, 1 weekly.
Calaveras Chronicle, 3 weeklies.
Empire County Argus, 2 weeklies.
San Jose Telegraph, 1 weekly.
Stockton Argus, 1 daily and one weekly.
Stockton News, 1 daily.
Weekly Pacific, 1 weekly.
Placer Herald, 1 weekly.
Christian Advocate, 4 weeklies.
Auburn Whig, 2 weeklies.

Los Angeles Star, 2 weeklies.
 Sonoma Bulletin, 1 weekly.
 Columbia Gazette, 2 weeklies.
 Mariposa Chronicle, 1 weekly.
 Butte Record, 2 weeklies.
 Yreka Herald, 12 weeklies.
 Coloma Argus, 1 weekly.
 New York Herald, 2 weeklies.
 Boston Journal, 1 weekly.

Dailies,	-	-	-	-	-	-	-	342
Tri-weeklies,	-	-	-	-	-	-	-	27
Weeklies,	-	-	-	-	-	-	-	300
Total,	-	-	-	-	-	-	-	669

Respectfully,

B. McALPIN,
 Sergeant-at-Arms.

The following message was received from the Senate :

SENATE CHAMBER, April 17, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have passed the following bills:

Assembly bill No. 364, An Act to change the name of Joseph Wilson to Albert Calhoun Joseph Wilson.

Assembly bill No. 144, entitled An Act to authorize Isaac E. Davis and A. P. Jorden, and such others as they may associate with them, to construct a Wharf at Santa Cruz, into the Bay of Monterey, and to collect Tolls on the same.

Assembly Joint Resolution No. 6, relative to the Construction and Establishment of Military and Post Roads across the Plains, &c.

Senate bill No. 176, An Act to authorize the County Auditor of Nevada County to issue certain Bonds.

Senate bill No. 37, An Act for the Relief of Dr. J. P. Sharkey.

Senate bill No. 174, An Act to punish Vagrants, Vagabonds and Dangerous and Suspicious Persons.

C. DICKINSON,
 Secretary Senate.

Senate bill No. 176, An Act to authorize the County Auditor of Nevada County to issue certain Bonds.

Read first and second time and referred to Nevada delegation.

Senate bill No. 37, An Act for the Relief of J. P. Sharkey.

Read first and second time and referred to Committee on Claims.

Senate bill No. 174, An Act to punish Vagrants, Vagabonds and Dangerous and Suspicious Persons.

Read first and second time and referred to Committee on Vice and Immorality.

Mr. Farley made the following report :

Mr. Speaker :

The Amador delegation, from the Committee composed of the members from Calaveras and Amador counties, to which was referred Assembly bill No. 370, providing for the division of the nineteenth Senatorial District, having had the same under consideration, report it back without amendment and recommend its passage.

The county of Amador, by the accession of a portion of El Dorado county, is placed in a position that requires a separate and distinct representation in the Senate of this State. With a voting population of four thousand, she ranks among the second class of counties in point of population, wealth and resources, and, under a just apportionment, adopted as the basis of present representation, is entitled to three Representatives and one Senator. The people of the county desire to possess the privilege entire of electing the Senator to represent them in the other branch of this Legislature, and, as this seems to us both fair and proper, and as the measure cannot conflict with either the interests or wishes of other counties or districts, we respectfully submit the bill with the recommendation as above.

FARLEY,
Chairman.

Mr Taliaferro moved to lay Assembly bill above reported on the table.
Lost.

Mr. Wells introduced the following concurrent resolution:

Resolved, (by the Assembly, the Senate concurring.) That the offices of Messrs. Gove, Lester and Jordan, as Trustees of the Lsane Asylum at Stockton, be declared vacant, and that the two houses meet in Joint Convention on Friday, April 20, at 12 o'clock to elect their successors.

Read and adopted.

On motion of Mr. Cunningham of Sierra, Assembly bill No. 369, An Act amendatory of and supplementary to an Act entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Courts of Justice in this State and Judicial Officers, passed May 15, 1854, was taken from the table.

Referred to select Committee.

The Committee appointed were Messrs. Cunningham of Sierra, Burke and Waite.

Mr. Jones, in accordance with resolution of March 19, 1855, reported account and bill of printing.

Read first and second time and referred to Committee on Public Printing.

Mr. Curtis introduced the following concurrent resolution:

Resolved, (the Senate concurring,) That our Representatives be requested and our Senators instructed to use their endeavors to procure an appropriation of one hundred and fifty thousand dollars, to open and construct a military road from the Sacramento Valley to Crescent City, *via* Shasta Valley.

Read and adopted.

On motion of Mr. Edwards, Assembly bill No. 275, An Act to legalize a Certified Copy of Book A. of Records of Sacramento County was taken up.

Senate amendments concurred in.

On motion of Mr. Burke, Mr. Arrington was added to select Committee of nine to draft an address to the people of the State in reference to dividing the State.

Mr. Mellus, on motion of Mr. Jones, was added to the Committee.

Also, Mr. Baker, to fill the vacancy of Mr. Ashley, resigned.

The resolution offered by Mr. Murdock, on yesterday, relative to evening sessions, which was laid over under the rules, was taken up.

Upon its adoption, Messrs. Moreland, Gober and Ashley demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Adkison, Boles, Buffum, Cory, Clayton, Coombs, Curtis, Dana, Douglas, Farwell, Gaylord, Gober, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Keys, Kinney, McCutchan, Meredith, Moreland, Murdock, Phelps, Quinn, Stevenson, Smith of El Dorado, Taliaferro, Vineyard, Watkins, Waite, Whitney and Mr. Speaker—33.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Ashley, Bates, Beatty, Bogardus, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Cammet, Cunningham of El Dorado, Doughty, Farley, Ferrell, Flournoy, Foster, Ferguson, Gaver, Geller, Graves, Gragg, Hunt, Jones, McCurdy, Mellus, Oxley, Palmer, Stevens, Sherrard, Singley, Smith of Marin, Stewart, Updegraff and Wells—34.

So the resolution was lost.

Assembly bill No 254, An Act to organize the County of Buena Vista.

Read third time and passed.

Assembly bill No. 324, An Act in relation to the several Funds of this State.

Read third time and passed.

Assembly bill No 340, An Act to annul the contract between the State and J. M. Estill, for keeping the State Convicts.

Postponed till to-morrow.

House went into Committee of the Whole, Mr. Buffum in the Chair

Assembly bill No 216, An Act to prohibit all persons of Foreign Birth, who are not eligible to Citizenship, from working or occupying the Mines of this State.

Committee rose, reported and were discharged

Mr. Gober moved to strike out all after the enacting clause.

Messrs. Oxley, Andrews and Arrington demanded the ayes and noes, and the motion was agreed to by the following vote:

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Ashley, Adkison, Bates, Beatty, Boles, Brewton, Brown,

of Contra Costa, Chase, Clayton, Curtis, Douglas, Doughty, Edwards, Ferrell, Gaver, Gaylord, Gober, Gragg, Hunt, Johnston of San Francisco, Keys, Kinney, McCutchan, Meredith, Moreland, Murdock, Phelps, Rodgers, Rowe, Ryland, Sherrard, Singley, Smith of El Dorado, Taliaferro, Watkins, Wells, Whitney and Mr. Speaker—39.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Bogardus, Brown of Nevada, Cunningham of El Dorado, Cunningham of Sierra, Foster, Ferguson, Geller, Jones, McCurdy, Oxley, Palmer, Quinn, Stevens, Stevenson and Waite—17.

Mr. Ryland offered a substitute to be inserted after the enacting clause.
Adopted.

Mr. Jones moved to strike out the enacting clause of the bill:

Messrs. Jones, Amyx and Arrington demanded the ayes and noes, and the motion was lost by the following vote :

Those who voted in the affirmative were—

AYES.

Messrs. Brewton, Brown of Contra Costa, Cammet, Chase, Dana, Farwell, Johnson of El Dorado, Jones, Mellus, Palmer, Stevens, Singley, Smith of Marin and Waite—14.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Arrington, Adkison, Baker, Bates, Beatty, Bogardus, Boles, Brown of Nevada, Clayton, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Douglas, Doughty, Edwards, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Gragg, Hosmer, Johnston of San Francisco, Keys, Kinney, McCutchan, McCurdy, Meredith, Moreland, Murdock, Oxley, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevenson, Sherrard, Smith of El Dorado, Taliaferro, Updegraff, Vineyard, Watkins, Wells, Whitney and Mr. Speaker—51.

Mr. Arrington moved to pass over, temporarily, the special order of the day

Agreed to.

Mr. Flournoy moved to re-commit to the Judiciary Committee.

Not agreed to.

Mr. Clayton offered the following amendment:

“ Provided, that no foreigner shall be entitled to hold any mining claims unless he pays his monthly tax, as herein provided for.”

Mr. Rowe moved to strike out “October” and insert “June.”

Not agreed to.

The amendment was adopted.

Mr. Johnston of San Francisco offered the following amendment.

“ Provided, further, that, on and after the first day of October next, a capitation tax of two dollars per head per month shall be levied upon and collected from each Chinaman over twenty-one years of age, now living in or hereafter coming into this State.”

Mr. Rowe moved to lay on the table.

Lost.

Mr. Kinney moved the previous question.

Sustained.

The question then recurring upon re-committing, Messrs. Cammet, Taliaferro and Stevens, demanded the ayes and noes, which resulted as follows :

Those who voted in the affirmative were—

AYES.

Messrs. Chase, Dana, Douglas, Doughty, Flournoy, Johnston of San Francisco, Jones, Moreland, Palmer, Phelps, Stevens, Smith of Marin, Taliaferro and Waite—13.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Arrington, Ashley, Adkison, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Cory, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Edwards, Farley, Farwell, Ferrell, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Gragg, Hosmer, Johnson of El Dorado, Keys, Kinney, Lincoln, McCutchan, McCurdy, Mellus, Meredith, Murdock, Oxley, Quinn, Rodgers, Ryland, Stevenson, Sherrard, Singley, Smith of El Dorado, Updegraff, Vineyard, Watkins, Wells, Whitney and Mr. Speaker—53.

So the motion was lost.

The question was then taken on the proviso offered by Mr. Johnston of San Francisco.

Not agreed to.

The bill was ordered engrossed.

On motion of Mr. Farley, the House adjourned at three o'clock P. M., to meet again at seven o'clock P. M.

7 o'clock, P. M.

House re-assembled.

There being no quorum present,

On motion of Mr. Stevenson, the House adjourned.

IN ASSEMBLY.

THURSDAY, April 19, 1855.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and all the members present except those absent on leave.

Journal of yesterday was read and approved.

On motion of Mr Johnston, of San Francisco, Assembly bill No. 6, An Act to re-incorporate the City of San Francisco was taken up, considered, and temporarily laid upon the table, to consider the special order of the day.

Mr. Meredith made the following report :

Mr. Speaker :

The Joint Committee on Enrollment have examined and found correctly enrolled :
An Act to authorize Isaac E. Davis and A. P. Jordan, and such others as they may associate with them, to construct a Wharf at Santa Cruz into the Bay of Monterey, and to collect tolls on the same ; also,

An Act to change the name of Joseph Wilson to Albert Calhoun Joseph Wilson ; also,

Joint Resolution relative to the construction and establishment of Military and Post Roads across the Plains ; also,

An Act to prohibit any person or persons, association, company, or corporation, from exercising the privileges of Banking, or creating paper to circulate as money.

H. B. MEREDITH,

Chairman.

The special order being the State Prison bill—

Mr. Kinney made the following supplementary report to one heretofore made relative to the State Prison :

Mr. Speaker :

The Committee on the State Prison, have had under consideration the subject of the best plan of discipline to be adopted for the future government of the State Prison, in case the management should be resumed by that State ; and also, the subject of the probable cost of new prison buildings, and of a wall to enclose the grounds, and respectfully ask leave to present a supplementary report, as follows :

As the general design and details of a prison building, and its appurtenances, must depend much upon the mode of discipline to be adopted, the Committee gave to this department their first attention, and examined voluminous reports of eastern prisons, a valuable collection of which they found in the hands of Mr. Carpentier, one of the Prison Inspectors.

The most distinguished philanthropists still differ widely in their preferences for

one or the other of the two systems known as the Pennsylvania and Auburn systems. The former was once known as "the solitary system," but, having been slightly modified, it is now better known by its advocates as the "separate system."

It provides for the prisoner a solitary cell communicating with an equally solitary yard for work or exercise. Here he remains during his whole term of confinement, never seeing nor knowing any other prisoner, and, of course, never seen by any other. but he is required to labor, and, at proper intervals, is allowed to read, and to converse with persons of good moral and religious character, from whose conversation he might derive solace and moral improvement. On his discharge, being totally unknown, even by sight, to his fellow prisoners, he can more freely move about in search of employment without danger of recognition by them.

Without intending to deny some of the benefits of this system, the Committee consider that the immense cost of building so many separate walls and working cells, as well as the difficulty of finding suitable and profitable occupations for prisoners thus restricted to a narrow cell, would be sufficient to cause this system to be rejected in California.

The Committee give their decided preference to the Auburn system, which provides for each prisoner a solitary cell to which he is always confined at night, and requires the prisoners in the day time to labor in groups, within walls but outside of their cells, and always to preserve the strictest silence, except when speaking to their guard keeper on matters of business.

This system has been adopted in prisons of New York and the New England States, and is also in practice in many of the newer States of the West. When properly managed, and with suitable apparatus and buildings, it is self-supporting, and is believed to be compatible with all the reasonable demands of philanthropy, justice and discipline.

The plan of building contemplates a large block of cells, in double ranks, from three to five stories high, with light iron galleries on each story. Around this block of cells is an outer wall, twelve to fourteen feet distant from the cells, pierced with windows, and supporting a roof which covers in both the cells and the area around them. The two together form a prison within a prison. The prisoners being enclosed for the night, one or two guards in the area are sufficient to detect the slightest movement within the surrounding walls. A number of similar buildings, together with shops, guard-houses, and superintendent's dwelling, may be arranged in such form as best suits the locality, and the whole be inclosed with a high wall, which should also enclose a small portion of land for cultivation.

A Board of Commissioners from Pennsylvania, who, several years since, visited the Eastern States, report that the average cost of prisons built on this plan, including the auxiliary buildings, shops and offices, is about two hundred and twenty dollars for each cell. As a confirmation of this statement, we find that the State Prison in Connecticut, with one hundred and thirty-six cells, cost about thirty thousand dollars, or about two hundred and twenty dollars per cell.

The Albany County Penitentiary, built in 1844—7, under the superintendence of Amos Pillsbury, the warden, who was formerly of the Connecticut prison, and who has spent most of his life in charge of prisons, cost a little over forty thousand dollars, or about two hundred and sixty dollars per cell, with one hundred and fifty-four cells, of which one hundred and forty-four are used for ordinary purposes. This cost, included guard houses, offices, shops, family rooms, hospital, and a wall fourteen feet high, enclosing nearly three acres.

In both the instances cited above, the number of prisoners are not larger, and it is evident that if the cost of those buildings which are of general use were diffused among a larger number of prisoners, the cost per cell would be much less. This is proved by several facts like the following.

At the Albany Penitentiary, there having been a call for eighty new cells, the

cost of providing them, and nothing else, was estimated at only \$8,500, or about \$106 per cell

At Auburn a new building was erected within the walls, containing 220 cells, which cost only \$12,376 86, or \$56 25 per cell. "Much of the labor was done by the prisoners." A new prison in Maryland cost about \$100 per cell

The inquiry may be pertinent, what the cost of building prisons at the East has to do with their cost in California, where the price of labor and materials is so exorbitantly high? It has much to do with it every way. Prisons are made of stone brick, mortar, cement and iron, with a very little wood-work and paint. These are all the product of labor in whatever country they originate. The stone and brick, which form the great bulk of the prison, are quarried and prepared upon the prison grounds by prison labor. The cost of prison labor is made up of the cost of feeding, clothing, bedding and guarding. A comparison between the commercial prices of provisions at the East, will show that a safe rule of estimate is to double the Eastern price to find the California price. For beef and flour, however, which form the great bulk of prisoners' food, the price determined by this rule would be too high. At the present time flour in San Francisco is not more than one dollar per bbl. higher than in New York, and wheat, perhaps, not so high. Salt pork and bacon need never be more than double, and are often less, and when too high can be dispensed with altogether. Potatoes will not probably hereafter be much higher here than at the East, and can, with proper arrangements, be raised at the prison. Coffee, sugar and rice are luxuries to prisoners, but if used at all, need never, in ordinary seasons, rule higher than 100 per cent. on their cost in the place of origin.

The elaborate statistical reports of about twenty penitentiaries at the East have been analyzed by the Boston Prison Discipline Society. From them and other sources we gather the cost of provisions for each prisoner for one year :

	Per Year	Cts. per Day.
Auburn, - - - - - 1850,	\$29 00	08
" - - - - - 1851,	27 24	07.4
Sing Sing, - - - - - 1850,	36 49	10
" - - - - - 1851,	40 50	11.1
Massachusetts, - - - - - 1851,	29 83	08.17
Michigan, - - - - - 1851,	25 00	06 85
Ohio, - - - - - 1850,	25 87	07 09
New Jersey, - - - - - 1851,	37 73	10 34
Connecticut, - - - - - 1850,	25 31	07
Albany, - - - - - 1851,	29 58	08 1

If we assume thirty dollars per year at the East, and double it for California, we have sixty dollars per year for feeding one prisoner, or nearly seventeen cents per day. The present lessee has estimated it at twenty or twenty-two cents per day.

The pay of officers may be estimated at above two and a half or three times that of the same individuals at the east. In proportion as the number of prisoners increases, the cost of guarding each one decreases, in consequence of distributing the pay of the general officers and expenses over a larger number.

Taking an average of the Auburn, Sing Sing (male) and Massachusetts prisons, we find the amount paid for salaries of officers to have been, in 1851, at the rate of \$45 66 per prisoner per year. If we multiply this by two and a half it gives \$114 65, and if by three it gives \$136 98. By comparing the reports of prisons in Auburn, Sing Sing, Clinton, Vermont, Massachusetts, New Jersey and Michigan, with an average of 2,239 prisoners, we find the charge per prisoner for clothing and bedding, \$8 10; for general and incidental expenses, \$11 23; for fuel

lights, \$4 30; or a total for these items of \$23 63. If we double this amount, it gives \$47 26 for a prisoner in California. By adding together for food, \$60; salaries, \$136 98, clothing, bedding and contingents, \$46 26, we have a total of \$244 24 for maintaining and guarding a prisoner one year in California; and if 500 prisoners are kept, it would require \$122,120 to keep them a year, without estimating any return whatever from their labor.

If, however, we assume that out of 500 prisoners, 450 are able to labor 300 days in the year, and to earn one dollar per day each, it gives us a return of \$135,000, or a profit of \$12,880 over the expense of maintenance and guarding, and of the labor of each prisoner reaches one dollar and twenty-five cents per day, it gives us \$168,750, or a profit of \$46,630 per year.

The average earnings of each prisoner in the Massachusetts prison, in 1851, were \$116 per year; at Auburn, \$102; at Sing Sing, 106, at Clinton, \$101, at New Jersey, \$97, and at Michigan, \$89.

The business of quarrying and cutting stone has always been found to be the most advantageous branch of business for prison labor; and when we consider the facilities existing on the Bay of San Francisco for procuring stone, and the number of public buildings to be erected by the State and the General Governments, there is no cause to fear that the prison labor will not find abundant demands for its products. For two or three years to come, one half of the labor may be employed in a State Prison and walls.

The estimates above have been predicated upon what has been done in well managed institutions at the East, with such modifications as California prices required, and your Committee believe that the same thing may be done here, by proper management. If we may apply the same mode of calculation to the cost of prison buildings, with the facts as above mentioned, that, at Wetherfield, Connecticut, a complete prison, with entire walls, cost \$220 per cell, and that the Albany Penitentiary, also with exterior walls, cost \$260 per cell, (and both the prisons were for less than 200 prisoners), let us see what they should cost in California, by multiplying their cost by two and a half, which your Committee deem a fair figure: 220 by $2\frac{1}{2}$ equals 550, which, for 500 prisoners, would make \$275,000. 260 by $2\frac{1}{2}$ equals 650, which, for 500 prisoners, would give \$325,000 as the cost of an ample prison with walls. But, as is stated above, where a block of cells was erected within the yard of an older prison, the cost per cell was not half as much as when all the general buildings were chargeable to it. By erecting, therefore, one block of cells for 250 prisoners, with walls and general buildings at the rate of \$650 per cell, a second block of cells might be put up within the walls for 500 more prisoners for \$275 per cell, which would give but \$231,250 as the cost of the prison. Or, if we start upon the basis of \$550 per cell for the first 250 cells, and \$275 for the second 250, it would give \$206,250 as the cost of the prison for 500 prisoners.

How far this mode of estimating cost would bear the test of actual practice, must be determined by more extensive and minute inquiries and observations on the ground that your Committee have had time or opportunity to make. Much depends upon the man who shall execute the plan, and something upon the site upon which the prison is to be erected, as well as upon the architectural design. From all the inquiries and observations the Committee have been able to make, they believe the basis of estimate to be a sound one. A large proportion of the iron work of the prison, when once the pattern has been adopted, can be imported ready made from the East.

It would not be advisable to employ all the prisoners on the erection of a prison. Large contracts for stone are now taken by the present lessee, which the prisoners can profitably fulfil, and which, it is ascertained, can still be made with the United States Government. The profits upon these contracts would furnish funds for purchasing supplies.

It is bad policy for the State to lease away all the labor of the prisoners, and

then ask for proposals from contractors to erect a prison building. The prisoners as well as the quarries will most probably be on the spot when the buildings are to be erected.

No other person, it is plain, can come upon these grounds and compete with the lessee of the prisoners, expecting to do the work with other kind of labor. It would be dangerous to the discipline of the prison, and if an arrangement were made with the lessee by an outside contractor, at the first quarrel between these two, either the discipline would be relaxed to get more work done in a day, or the outside man would be forced to abandon by the lessee. The lessee therefore, under any such hypothesis, has the State completely in his power, and may shut out all competition.

In considering the question whether the State shall erect a permanent State Prison, with its auxiliary offices and walls, we are met at the threshold by several preliminary questions, the most important of which is,

Shall the new prison be erected on the present site at St. Quentin?

To give a definite and just answer to this question would require several weeks' careful examination of several other sites that have been suggested, of their relative advantage as compared with the present site, and especially of their titles. The title to the present site should also be carefully scrutinized before an immense expense is risked upon it. A prompt examination of this question is necessary to determine the character of the improvements to be put on the present site.

Shall the wall be a large and permanent one, or a small one intended to answer but a temporary purpose? and shall the present building be altered and enlarged, and another story put upon it?

In its present state it is quite unfit for any proper system of confining prisoners. It was designed with cells for two prisoners in the same cell. That is a radical defect in itself, and is now made worse by the absolute necessity of confining four in one cell—whether more ground should be purchased at St. Quentin, is another important question, depending upon the question of a change of site. Another matter for consideration is the architectural design and working drawings for permanent buildings, and this must be governed by first the site, and second, the discipline and regulations to be adopted for the government of the prison.

Your Committee believe that all these questions can best be determined by the person or persons who shall be charged with the care of the prisoners, in case they should be relinquished by the present lessee. It should be made the duty of the Board or individual so placed in charge, first to erect a wall, either temporary or permanent, around the prison at St. Quentin, and such other temporary structures as may be necessary to secure the prisoners until a permanent prison is erected. He or they should systematize and regulate the labor and discipline, take possession and account of all the property and utensils; ascertain what existing contracts are to be fulfilled, and whether necessity requires that any new ones are to be made, and by that means having ascertained the true condition of the institution at present, should set about the important inquiries relating to its future policy, discipline, buildings and site. These, with the care of the prisoners, will undoubtedly occupy much of the interval previous to the next session of the Legislature, to whom a well matured report should be made concerning the whole subject, and all its bearing and details.

Until such an examination and report are made, your Committee deem it unwise to enter into any contract for an extensive suite of prison buildings, or to undertake the erection of them by the prison labor on account of the State.

At the same time the Committee think that the interest of the State and the safety of the community demand, urgently, the immediate erection of a wall around the present prison.

The officer in charge of the Sing Sing prison some years since, in urging the building of a wall at that place, states their guardian force and keepers at sixty-

three men ; and further says that immediately on the completion of the wall, they would be able to dispense with nineteen keepers or guards, and would be able to work the prisoners one and a half hours longer each day. The wall at Sing Sing was estimated at twenty feet high, and average of four feet thick and twenty-five hundred feet long, and to contain seven thousand five hundred cubic yards of stone, at a cost of three dollars per cubic yard. Allowing for contingencies, it was estimated at \$25,000.

The wall around the Albany Penitentiary was built only fourteen feet high. A permanent wall, your Committee think, should be twenty feet high, four feet thick at the base, two feet at the top, surmounted with a coping stone, three feet wide and six inches thick, for the sentinel to walk on. It might be built either entirely of rubble stone, with the lower part laid in cement, or the upper half might be of brick, if that would make it cheaper. Such a wall to enclose a square of four hundred feet, on each side, measured inside the wall, would contain 3 663 cubic yards, which at ten dollars per cubic yard would amount to \$36,630 ; adding \$4,000 for four watch-towers, and \$1,000 for gates, would make the amount \$41,630. The price of ten dollars per yard is the same as estimated for bridge masonry on the San Jose Railroad, and is more than three times the cost per yard, of the wall at Sing Sing.

It is doubtful if the use of brick would diminish the cost. If it should be decided not to build a permanent prison at San Quentin, a wall of less height might be made to answer temporarily ; or a picket wall of wood might be erected, about 15 feet high. As it is presumed that sentinels will patrol the wall day and night, a wooden wall might be as safe as one of stone. If the prison were removed, the materials of a wooden wall might be made useful elsewhere. The Penitentiary in Ohio was for sometime enclosed in a wooden wall. The cost will depend upon the thickness of the planks or timber. If 10 inches thick and 15 feet high, 400 feet square, its cost would be from \$12,000 to \$15,000, according to the price of lumber, and for a less thickness in proportion.

A wall to enclose 400 feet square, contains about 3 67-100 acres—while a wall to enclose 660 feet square, and which would cost only one half more than the other, would enclose exactly 10 acres. In addition to a wall, a number of shops, a kitchen, and other auxiliary buildings inside the wall will be needed. If the location is temporary only, these buildings can, most of them, be constructed of wood, but if to be permanent, they should be of stone, or brick. The Committee have at present no correct data for estimating the cost of these buildings.

In receiving their estimates, the Committee believe that in all items of importance they have made them sufficiently high. A definite location and a plan with specifications, would admit of more accurate estimates.

Until the great preliminary questions connected with this subject are determined, your Committee deem it unnecessary and premature to present for the consideration of the Legislature a system of laws in detail for the government of the prison.—When the proper time arrives, if the State should again take control of the prisoners, a very complete code of prison discipline laws enacted by the Legislature of New York, will be found in the Revised Statutes of that State, vol. I, fourth edition, page 945. Such of those laws as are applicable to California, can be transferred to our statute books at the proper time. There is also within reach of the Legislature an ample Library of Reports and Statistics, on this subject, belonging to Mr. Carpentier, one of the present Prison Inspectors. Any system that may be adopted should have in view the reformation and moral instruction of the prisoner, and a treatment of him with humanity and kindness, at the same time that a rigid discipline, firmly administered, with a view as well to punishment as to the security of society, is not lost sight of. In this connection the Committee beg leave to refer to Document A in the Appendix to this Report—an extract from the Boston Prison Discipline Society Report for 1851.

The Committee would draw the attention of the Legislature to three important points in the regulations of our prison, concerning which laws are needed.

First. A prison uniform should be adopted and the heads of the prisoners should be frequently shaved. This would tend greatly to facilitate detection in case of escape.

Second. No convict, nor any person who has ever been a convict, should be allowed to keep the books and accounts of the prison. This is done under the present lessee. Important cases may arise when it is necessary to examine the clerk of the prison as a witness, under oath, and the testimony of a convict in such cases might be of no practical value.

Third. No convict ought to be allowed in confidence, either to serve as a guard, or "on a look out," nor be allowed freely and alone to go on errands to large cities, or to any other place beyond the supervision of the officers of the prison. The "trustie system" may be well enough within certain limits, but your Committee consider the liberties referred to as an abuse of it.

Eight months only will elapse from the close of the present Legislature to the assembling of the next, during only seven of which the State may be expected to have charge of the convicts under any contemplated arrangements. During that time the details of prison regulations, with some important exceptions, may be safely left to be prescribed by the person or persons placed in charge, who could recommend a complete and well-matured system for the adoption of the next Legislature. In placing the prison in charge of any new Superintendent, or Board, it would be judicious to place at his disposal a moderate sum of money, say \$10,000, as a capital to commence operations with, so that in the execution of minor matters of business, his steps would not be clogged with debt, and the expenses of the prison be enhanced by the purchase of supplies on credit.

After a month the institution ought to support itself by the products of its own labor, but, as it will be necessary that a part of this labor should be directed to the erection of a wall and other structures, it would be well to provide an appropriation for a weekly sum, say \$1,000, to be disbursed, under the sanction of the Controller, to the Superintendent for current expenses and purchase of supplies. For this purpose the Controller might be invested with power to scrutinize the reasons for the outlay, and withhold it, if, in his judgement, it be deemed right to do so. An appropriation of \$50,000, which should include the \$10,000 above referred to, the Committee believe should be the highest limit of expenditure for which the present Legislature need provide, in addition to the amount necessary to buy out the present lessee. The whole of this amount might not be used. With good management and rigid economy the prison ought to support itself, and leave the State Treasury untouched. But while the prison buildings are in progress, which may require a period of two or three years, it is hardly reasonable to expect that the State can be entirely exempted from some charge for their erection. This is inevitable if proper regard is had to the security of our citizens and the administration of justice, whether the buildings be erected while the present lessee is in charge, or after he shall have relinquished the convicts. The Committee consider that the end may be best attained, and most economically, by causing the prison buildings to be erected mainly by convict labor, with moderate appropriations, from time to time, for that purpose.

In conclusion, the Committee would respectfully remark that the success or failure of any scheme to manage the State Prison depends more upon the character of the man or men who shall be selected to take charge of it, than upon the provisions of any law, or the amount of any appropriation. The natural elements and commercial facilities for a well managed State Prison are abundant. It remains for the Legislature to select the proper person to combine and develop those natural elements and facilities. If an old, well trained, cunning politician is placed in charge, the scheme will surely and speedily fail. If an honest, capable,

straight-forward, practical man, who will expend and account for every dollar of State money as if it were his own, is placed in charge, without any regard for political bias, the prison will most probably succeed and prosper. A bill, the provisions of which have been under consideration before this Committee, has been introduced into the Assembly. As many of the provisions of such a bill must depend upon Legislative action on the preliminary points above referred to, a number of sections will require to be added to the bill after the precise nature of its leading provisions are determined.

JNO. T. CRENSHAW,

Chairman Senate Committee.

G. W. COLBY.

H. P. HEINTZELMAN

B. C. WHITING,

Chairman Select Committee.

S. DAY,

ASA KINNEY,

Chairman Assembly Committee.

F. J. CURTIS,

WM. A. DANA.

H. P. A. SMITH.

[EXHIBIT A.]

State Prisons and Penitentiaries.

The State Prisons and Penitentiaries in the United States, all of them, without a single exception, so far as our knowledge extends, are on the principle of a separate confinement at night.

With the exception of the State Prisons in Pennsylvania and New Jersey, they are all on the principle of silent labor by day, under constant supervision, in workshops. Those excepted, in Pennsylvania and New Jersey, adopted the principle of solitary labor and cellular confinement.

The State Prisons, generally, in the United States, have chapels, and public worship in chapels on the Sabbath. In Pennsylvania and New Jersey, the prisoners hear, from their cells, the voice of the preacher in the corridor; but do not see him or each other.

The State Prisons, generally, in the United States, have Sabbath Schools, taught in the chapel by voluntary and gratuitous citizen teachers. The instruction is communicated in the cells, in Pennsylvania and New Jersey.

In the State Prisons, generally in the United States, the average mortality does not exceed two per cent. Last year, in twelve Penitentiaries, there were forty-nine deaths, out of an average of 2,878 prisoners, which was one death out of fifty-six prisoners, or less than two per cent.

In the State Prisons in the United States, there is too much exercise of the pardoning power. Last year, one hundred and nineteen were pardoned out of 2,871; or one in twenty four were pardoned.

In the United States, the number of prisoners increased, last year, 270 in twelve Penitentiaries, containing 2,878 prisoners, which is a little less than ten per cent.

In the Penitentiaries in the United States, there is productive industry. In twelve Penitentiaries, with an average of 2,878 prisoners, about \$260,000 were earned, and about \$276,000 expended.

In the Penitentiaries in the United States, there were paid to discharged convicts in twelve Penitentiaries, \$3,996, for their aid, assistance and relief, mostly from the earnings of the prisoners.

The number received during the year was one thousand seven hundred and twenty-four.

The number discharged on expiration of sentence was one thousand one hundred and eighty-one, out of an average number of two thousand eight hundred and seventy-eight.

The number discharged by pardon, one hundred and nineteen.

The number who died, forty-nine.

The number who escaped, fifteen.

The number removed to Lunatic Asylums, fifteen.

These results we regard as, on the whole, favorable; more so than we have been made acquainted with in any other country.

Mr. Ryland moved to lay the bill upon the table.

Mr. Kinney moved a call of the House.

Not agreed to.

The motion to lay on the table was lost.

On motion of Mr. Wells, the House resolved itself into Committee of the Whole, (Mr. Wells in the chair,) to consider special order, Assembly bill No. 366, An Act to provide for the government of the State Prison.

Amended, and the Committee rose, reported, and were discharged.

On motion of Mr. Stevens, the House adjourned at 5 o'clock, P. M.

IN ASSEMBLY.

FRIDAY, April 20, 1855.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and the following members were absent:

Messrs. Amyx, Chase, and Gaver.

On motion, Mr. Amyx was granted leave of absence for one day.

Journal of yesterday was read and approved.

Mr. Updegraff presented the bill entitled An Act to amend an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

Read first and second time, and referred to Yolo and Sacramento delegations.

Assembly bill No. 366, An Act to provide for the government of the State Prison—

Committee amendments concurred in.

Mr. Gober moved to lay on the table.

Mr. Graves offered the following substitute for Section 20 :

Sec. 19. This Act shall take effect and be in force from and after the time when an " Act providing for securing the State Prison Convicts," passed April 25, 1851, shall cease to be of effect, or as soon as the lessee or lessees of the State Prison shall surrender or forfeit to the State all his or their right and claim to the possession of the State Prison and its appurtenances, and to the custody of the prisoners.

Upon the adoption of which, Messrs. Watkins, Graves and Ashley, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Adkison, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Burke, Cory, Clayton, Coombs, Cunningham of El Dorado, Ferguson, Gaylord, Gober, Graves, Gragg, Keys, Lincoln, Moreland, Murdock, Palmer, Phelps, Quinn, Ryland, Stevens, Sherrard, Smith of El Dorado, Updegraff, Watkins, Waite, and Wells—34.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Bates, Brown of Nevada, Buffum, Cammet, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Foster, Geller, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCurdy, Mellus, Meredith, Oxley, Rodgers, Rowe, Stevenson, Singley, Smith of Marin, Stewart, Taliaferro, Taylor, Whitney, and Mr. Speaker—37.

So the amendment was lost.

Mr. Ferrell's amendment to Section 6 was adopted.

Mr. Jones' amendment adopted.

Mr. Edwards moved a re-consideration of the vote by which Mr. Graves' amendment was lost.

Agreed to.

The question then recurred on the adoption of the amendment.

Upon which Messrs. Flournoy, Ryland, and Brown, demanded the ayes and noes with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Ashley, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Burke, Cory, Clayton, Coombs, Cunningham of El Dorado, Ferguson, Gaylord, Gober, Graves, Gragg, Keys, Lincoln, Moreland, Murdock,

Palmer, Phelps, Quinn, Ryland, Stevens, Sherrard, Smith of El Dorado, Watkins, Waite, and Wells—33.

Those who voted in the negative were—

NOES.

Messrs Bates, Brown of Nevada, Buffum, Cammet, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Foster, Gaver, Geller, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCurdy, Mellus, Meredith, Oxley, Rodgers, Rowe, Stevenson, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Whitney, and Mr. Speaker—38.

So the amendment was lost.

Mr. Smith moved to consider the bill engrossed.

Upon which, Messrs. Graves, Moreland, and Ashley, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

A YES.

Messrs. Baker, Bates, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Foster, Gaver, Geller, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, McCurdy, Mellus, Meredith, Oxley, Rowe, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Whitney, and Mr. Speaker—45.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Beatty, Bogardus, Boles, Brown of Contra Costa, Cory, Coombs, Cunningham of El Dorado, Ferguson, Gaylord, Gober, Graves, Gragg, Lincoln, Moreland, Murdock, Palmer, Phelps, Quinn, Ryland, Stevens, Watkins, Waite, and Wells—25.

So the motion was carried.

The bill was then ordered engrossed.

The following message was received from the Senate :

SENATE CHAMBER, April 18, 1855.

Mr. Speaker :

I am directed to inform the Assembly, that the Senate have passed the following bills :

Assembly bill No. 300, An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, passed May 15, 1854, with amendments, as shown therein ; also,

Assembly bill No. 214, entitled An Act granting to George M. Hanscom, Elizabeth E. Nabb, and John C. Fall, the right to construct a Wire Suspension or Laticed Bridge across Feather River, above the Yuba River , also.

Assembly bill No. 322, An Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 20, 1855 ; also,

Senate bill No. 182, An Act to authorize the Judges of the Supreme Court to employ a Secretary ; also,

Senate Concurrent Resolution, in regard to the printing of three thousand copies of the list of the Decisions of the Claims confirmed and rejected of the Board of United States Land Commissioners of this State.

All of which is respectfully submitted,

C. DICKINSON,

Secretary of Senate.

Senate bill No. 182, An Act to authorize the Judges of the Supreme Court to employ a Secretary—

Read first and second time, and referred to the Judiciary Committee.

Senate Concurrent Resolution, in regard to the printing of three thousand copies of the list of Decisions of the Claims confirmed and rejected by the Board of United States Land Commissioners of said State—

Lost.

The following message was received from the Senate :

SENATE CHAMBER, April 20, 1855.

Mr. Speaker:

I am directed to inform the Assembly that the Senate have, on this day, passed Senate bill No. 216, An Act amendatory of an Act entitled an Act dividing the State into Counties, and establishing Seats of Justice therein, approved April 25, 1851.

C. DICKINSON,

Secretary of Senate.

Senate bill No. 216, An Act amendatory of an Act entitled an Act dividing the State into Counties, and establishing Seats of Justice therein, approved April 25, 1851—

Read first and second time, and referred to Committee on Counties and County Boundaries.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, April 19, 1855. }

To the Assembly of California :

I have this day approved the following Acts, which originated in the Assembly, viz :

An Act to change the name of Joseph Wilson to Albert Calhoun Joseph Wilson.

An Act to prohibit any person or persons, association, company, or corporation, from exercising the privileges of banking, or creating paper to circulate as money.

Also, Joint Resolution relative to the construction and establishment of Military and Post Roads across the Plains, &c.

JOHN BIGLER.

Mr Palmer made the following report :

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed :

An Act to provide for the ascertainment of the Indebtedness of Calaveras County prior to the organization of Amador County, and to provide for the payment of that portion due from Amador County to the County of Calaveras , also,

An Act to require the closing of Business Houses in certain Counties of this State on the first day of the week, commonly called Sunday ; also,

An Act supplementary to and explanatory of an Act entitled an Act to prohibit Lotteries, Raffles, and Gift Enterprises, and other schemes of like character ; also,

An Act concerning Roads and Highways ; also,

Assembly bill No. 216, concerning Foreigners working in the Mines of this State.

J. W. D. PALMER,

Of Committee.

Mr. Stow offered the following resolution :

Resolved, That the use of the Assembly hall be given to the State Agricultural Society on Wednesday evening, the 24th inst., for the purpose of holding a State Agricultural Convention

Read, and adopted.

Mr. Burke verbally reported Assembly bill No. 369, An Act amendatory of and supplementary to an Act entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, passed May 15, 1854.

Substitute adopted, considered engrossed, read third time, and passed.

On motion of Mr Stevenson, House resolved itself in Committee of the Whole, to consider Assembly bill No 6, An Act to re-incorporate the City of San Francisco, Mr. Stevenson in the Chair.

Bill was considered, amended, Committee rose, reported, and were discharged.

Committee amendments concurred in, except the amendment made to 67th section.

Mr. Hosmer offered the following, as a substitute for Section 67 :

“ It shall be the duty of the Common Council, once in every three months, to sell at public auction, for cash, the lands of the city, in lots not more than fifty varas square each, and not exceeding in amount fifty such lots in three months , *provided*, that the lands of the city west of Larkin street, and southwest of Simmons street, may be sold in larger parcels. But nothing in this section shall prevent the Common Council from disposing of said lands to the actual settlers thereon, or their assigns, prior and up to the first day of May, one thousand eight hundred and fifty-

one, in preference to all other bidders, at a value which, as nearly as possible, shall approximate to the value of such lands at the time when the occupant entered upon the same, exclusive of all improvements thereon, *provided, however*, that nothing in this section shall be construed to apply to any numbered or marked lots deeded to the Fund Commissioners for the payment of the city debts."

Upon which, Messrs Hosmer, Smith of Marin, and Brown of Nevada, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs Arrington, Brown of Nevada, Gaver, Geller, Hosmer, Murdock, and Smith of Marin—7.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Adkison, Bates, Beatty, Bogardus, Brewton, Buffum, Cammet, Cory, Clayton, Cunningham of El Dorado, Curtis, Dana, Douglas, Doughty, Edwards, Farwell, Ferrell, Ferguson, Gaylord, Gober, Graves, Gragg, Hunt, Johnston of San Francisco, Keys, Mellus, Palmer, Phelps, Quinn, Rowe, Ryland, Stevens, Taylor, Updegraff, Watkins, Waite, Whitney, and Mr. Speaker—40.

So the substitute was lost.

The House concurred in Committee amendments, the bill was considered engrossed, read third time, and passed

Mr. Ashley moved to take a recess till half past 7 o'clock, P. M.

Lost.

Mr. Stevenson moved to adjourn.

Not agreed to.

The following message was received from the Senate :

SENATE CHAMBER, April 20, 1855

Mr. Speaker :

I am directed to inform the Assembly, that the Senate have, on this day, passed Assembly bill No 278, An Act concerning the organization of the Militia, with amendments, as shown therein, and in which the concurrence of the Assembly is solicited.

C. DICKINSON,

Secretary Senate.

Senate amendments to Assembly bill No. 278, An Act concerning the organization of the Militia, were concurred in.

Senate bill No 164, An Act to extend the Time for commencing the Construction of certain Railroads herein named—

Read third time and passed.

Mr. Smith, of Marin, introduced a bill for An Act concerning Conveyances, Mortgages, and other instruments—

Read first and second time, and referred to the Judiciary Committee.

Mr. Dana offered the following Concurrent Resolution :

Resolved, the Senate concurring, That the Hon. the Secretary of the Treasury at Washington be requested to cause a bell buoy, of the most approved kind, to be placed at the entrance of the harbor of San Francisco, in this State ; and that he be also requested to take steps for the immediate erection of the light at "Punta de los Reyes," in Marin county ; both of which are deemed highly essential as collateral aids to navigation.

Adopted.

On motion of Mr. Andrews, the House adjourned at 3 o'clock and 40 minutes, P. M.

IN ASSEMBLY.

SATURDAY, April 21, 1855.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called, and the following members were absent:

Messrs. Coombs, Rodgers and Talaferro.

The Journal of yesterday was read and approved.

Petition presented by Mr. Hosmer.

Read and referred to Committee on Accounts and Expenditures.

Communication presented by Mr. Farwell.

Read and referred to Committee on Accounts and Expenditures.

Mr. Taylor introduced a bill for An Act supplementary to an Act entitled an Act amendatory of and supplementary to the Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, (passed May 15, 1854) passed March 29, 1855.

Read first and second time and referred to the Judiciary Committee.

Mr. Edwards, Chairman, made the following report:

Mr. Speaker :

The Committee on Judiciary report that they have considered Assembly bill No. 362, entitled An Act to regulate the Interest on Money and to prevent the Loaning of Money at Usurious Interest, and a majority of them recommend its indefinite postponement.

Also, Assembly bill No. 319, entitled An Act for the Relief of Mrs. Annie

V. R. Wells, Widow of Judge Alexander Wells, and a majority recommend its indefinite postponement.

Respectfully,

P. L. EDWARDS,
Chairman.

Mr. Ryland, from the Judiciary Committee, made the following report:

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 373, for An Act concerning Conveyances, having considered its provisions, report it back and recommend the passage thereof.

C. T. RYLAND,
Of Committee.

Mr. Taylor, from Judiciary Committee, verbally reported Senate bill No. 182, An Act to authorize the Judges of the Supreme Court to employ a Secretary, recommending its passage.

Placed on file.

Mr. Ferrell made the following report:

Mr. Speaker :

The Judiciary Committee, to which was referred Assembly bill No. 323, being An Act for the Relief of P. L. Solomon, have instructed me to report adversely to the bill, and to recommend its indefinite postponement.

W. C. FERRELL,
Of Committee.

Mr. Douglas, Chairman, made the following report:

Mr. Speaker:

The Committee of Ways and Means, to whom was referred Senate bill No. 92, an Act entitled An Act making Appropriations to defray the ordinary Civil Expenses of the Government of this State, from the first day of February, 1855, to the first day of February, 1856, have had the same under consideration, report it back and recommend that the appropriation of nineteen thousand dollars, as compensation for the Board of Land Commissioners, be erased from the bill, as the Board expires on the 1st of May, 1855. Also recommend several amendments herewith attached. After their adoption, the passage of the bill is respectfully recommended.

DOUGLAS,
Chairman.

Mr. Waite verbally reported Senate bill No. 37, An Act for the Relief of Dr. J. P. Sharkey, and recommended indefinite postponement.

Report adopted.

Mr. Arrington made the following report:

Mr. Speaker :

Your Committee to which was referred Senate bill No. 177, An Act concerning the Escape of Convicts of the State Prison, have had the same under consideration, and report it back without amendment and recommend its passage.

ARRINGTON,
Chairman.

Mr. Meredith, Chairman, made the following report:

Mr. Speaker :

The Joint Committee on Enrollment presented to Governor Bigler, for his approval, on Thursday, the 19th inst., the following Acts:

An Act to authorize Isaac E Davis and A. P Jordan, and such others as they may associate with them, to construct a Wharf at Santa Cruz, into the Bay of Monterey, and to collect Tolls on the same.

An Act to change the Name of Joseph Wilson to Albert Calhoun Joseph Wilson.

Joint Resolution relative to the construction and establishment of Military and Post Roads across the Plains.

An Act to prohibit any Person or Persons, Association, Company or Corporation, from exercising the Privileges of Banking or creating Paper to circulate as Money.

H. B. MEREDITH,
Chairman.

Mr. Meredith, Chairman, made the following report:

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled the following Acts :

An Act to legalize a Certified Copy of Book A. of Records of Sacramento County.

An Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State and to define their Duties and Powers, passed March 20, 1855.

An Act granting to George M. Hanson, Elizabeth E. Nabb and John C. Fall the right to construct a Wire Suspension or Lattice Bridge across Feather River above the Yuba River.

An Act to discharge the Board of Examiners of War Claims from further Duties, and to abolish the same.

An Act for the Relief of H. B. and C. E. Paine.

An Act to establish the Boundaries of Amador County, and to fix the County Seat thereof.

Joint Resolution in relation to the establishment of an additional Land District in the Town of Visalia.

H. B. MEREDITH,
Chairman.

Mr. Ryland, Chairman, made the following report :

Mr. Speaker :

The Committee on Internal Improvements have considered Senate bill No. 118, and now report it back as amended, with the recommendation that it pass.

C. T. RYLAND,
Chairman.

Mr. Updegraff, Chairman, made the following report :

Mr. Speaker :

The Committee to whom was referred Assembly bill No. 372, have had the same under consideration and report the bill back and recommend its passage without amendment.

J. H. UPDEGRAFF,
Chairman.

Mr. Waite verbally reported Senate bill No. 176, An Act to authorize the County Auditor of Nevada County to issue certain Bonds.

Rules suspended.

Read third time and passed.

Mr. Meredith made the following report :

Mr. Speaker:

The Joint Committee on Enrollment presented to Governor Bigler, for his approval, this day, the following Acts :

An Act to legalize a Certified Copy of Book A. of Records of Sacramento County.

An Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State and to define their Duties and Powers, passed March 20, 1855.

An Act granting to George M. Hanson, Elizabeth E. Nabb and John C. Fall the right to construct a Wire Suspension or Lattice Bridge across Feather River, above the Yuba River.

An Act to discharge the Board of Examiners of War Claims from further Duties, and to abolish the same.

An Act for the Relief of H. B. and C. E. Paine.

An Act to establish the Boundaries of Amador County, and fix the County Seat thereof.

Joint Resolution in relation to the establishment of an additional Land District in the Town of Visalia.

H. B. MEREDITH,
Chairman.

The following messages were received from the Senate :

SENATE CHAMBER, April 19, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate has passed the following bills :

Assembly bill No. 217, An Act amendatory of an Act concerning County Recorders, passed March 26, 1851, with amendments as therein shown.

Assembly bill No. 245, An Act to protect the Owners of Growing Crops, Buildings and other Improvements, in the Mining Districts of this State.

Assembly bill No. 246, An Act to change the Name of Edwin Clark Patt to Edwin Patt Clark.

Assembly bill No. 259, An Act to fix the Compensation of the County Judges of Siskiyou, Trinity and Klamath, and to repeal, in part, the first Section of an Act entitled an Act to fix the Compensation of County Judges and Associate Justices of the Court of Sessions, Passed May 17, 1853.

Senate bill No. 201, An Act to facilitate the Exposure of the Perpetrators of certain Frauds alleged to have been committed in the City of San Francisco.

Assembly Joint resolution relative to the establishment of an additional Land District in this State.

Senate Concurrent Resolution granting leave of absence to William L. McKim, Esq, Treasurer of Amador County.

All of which is respectfully submitted.

C. DICKINSON.

Secretary Senate.

SENATE CHAMBER, April 20, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have passed the following bills :

Assembly bill No. 350, An Act to discharge the Board of Examiners of War Claims from further Duties, and to abolish the same.

Assembly bill No. 197, An Act supplementary to an Act to provide for the permanent Location of the Seat of Government of the State of California, with amendments as shown therein.

Assembly bill No. 361, An Act to establish the Boundaries of Amador County and fix the County Seat thereof.

Assembly bill No. 140, An Act for the Relief of H. B. and C. E. Paine.

Respectfully submitted,

C. DICKINSON,

Secretary of Senate.

Assembly bill No. 246, An Act to change the Name of John Clark Patt to John Patt Clark.

Senate amendment concurred in.

Assembly bill No. 259, An Act to fix the Compensation of the County Judges of Siskiyou and Klamath, and to repeal, in part, the first Section of an

Act entitled an Act to fix the Compensation of County Judges and Associate Justices of the Courts of Sessions, passed May 17, 1855.

Senate amendments concurred in.

Assembly bill No. 217, An Act amendatory of an Act concerning County Records, passed March 26, 1851.

Senate amendments concurred in.

Assembly bill No. 205, An Act to protect the Owners of Growing Crops, Buildings and other Improvements, in the Mining Districts of this State.

Senate amendments to section second non-concurred in.

Mr. Clayton moved to strike out Senate proviso to section third.

Messrs. Amyx, Oxley, and Johnson of El Dorado demanded the ayes and noes.

Mr. Andrews moved the previous question.

Sustained.

The question then recurred on Mr. Clayton's motion to strike out, and the following result was had :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Ashley, Baker, Bates, Boles, Brewton, Burke, Clayton, Covarrubias, Flournoy, Foster, Gaver, Geller, Goher, Johnson of El Dorado, Jones, Mellus, Meredith, Rowe, Singley, Stewart, Watkins and Waite—23.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Adkison, Beatty, Bogardus, Brown of Contra Costa, Brown of Nevada, Buffum, Cory, Chase, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Edwards, Farley, Ferguson, Gragg, Hosmer, Hunt, Kinney, McCurdy, Murdock, Oxley, Palmer, Phelps, Stevens, Stevenson, Sherrard, Smith of El Dorado, Smith of Marin, Updegraff and Wells—34.

So the motion was lost.

The question was then taken on concurring in Senate amendment to section third.

Messrs. Johnson of El Dorado, Curtis and Quinn demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Adkison, Beatty, Bogardus, Brown of Contra Costa, Brown of Nevada, Buffum, Cory, Chase, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Edwards, Farley, Farwell, Ferguson, Geller, Gragg, Kinney, Lincoln, McCurdy, Mellus, Oxley, Palmer, Phelps, Stevens, Stevenson, Smith of El Dorado, Updegraff and Wells—32.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Bates, Boles, Brewton, Burke, Clayton, Covarrubias, Douglas, Foster, Gaver, Gober, Johnson of El Dorado, Meredith, Moreland, Quinn, Rowe, Watkins, Waite and Mr. Speaker—19.

So the House concurred.

Mr. Foster moved to re-consider the vote by which Senate amendment to section second was non-concurred in.

Agreed to.

The question then recurred on concurring in Senate amendment to section second.

The amendment was concurred in.

Mr. Ashley moved to re-consider the vote by which Senate amendments to Assembly bill No. 217 were concurred in.

Agreed to.

Senate amendments non-concurred in.

Senate bill No. 201, An Act to facilitate the Exposure of the perpetrators of certain Frauds alleged to have been committed in the City of San Francisco.

Read first and second time and referred to Judiciary Committee.

Senate Concurrent Resolution granting leave of absence to William L. McKim, Esq., Treasurer of Amador County, for six months.

Concurred in.

Assembly bill No. 197, An Act supplementary to an Act to provide for the permanent Location of the Seat of Government of the State of California.

Mr. Edwards moved to concur in Senate amendments.

Mr. Farley moved the previous question.

Sustained.

The question being upon concurring in Senate amendments,

Messrs Foster, Phelps and Farley demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Ashley, Brown of Contra Costa, Singley Stewart and Watkins—5.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Arrington, Adkison, Baker, Bates, Beatty, Bogardus, Brewton, Brown of Nevada, Buffum, Burke, Cory, Chase, Clayton, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Foster, Ferguson, Gaver, Geller, Gober, Graves, Gragg, Hunt, Johnson of El Dorado, Johnston of San Francisco, Keys, Kinney, Lincoln, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Quinn, Rowe, Ryland, Stevens, Stevenson, Sherrard, Smith of El Dorado, Smith of Marin, Taylor, Updegraff, Vineyard, Waite, Wells and Mr. Speaker—60.

So the Senate amendments were not concurred in.

Mr. Curtis moved to re-consider the vote.

Mr. Edwards moved to indefinitely postpone the motion.
Agreed to.

The following message was received from the Senate :

SENATE CHAMBER, April 20, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on yesterday, pass the following :

Assembly bill No. 244, An Act to provide for the Survey and Construction of a Wagon Road over the Sierra Nevada Mountains, with amendments as shown therein.

C. DICKINSON,
Secretary of Senate.

Assembly bill No. 244, An Act to provide for the Survey and Construction of a Wagon Road from Sacramento Valley to the Eastern Boundary of the State.

Senate amendments concurred in.

Mr. Ferrell moved to take from the file Assembly bill No. 349, An Act to provide for the survey and construction of a Wagon Road, and for sinking of Wells on the same from the Colorado River to the Bay of San Diego.

Messrs. Graves, Watkins, and Ferrell, demanded the ayes and nays, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs Adkison, Baker, Bates, Brewton, Brown of Nevada, Buffum, Cammet, Cory, Chase, Clayton, Covarrubias, Douglas, Ferrell, Flournoy, Ferguson, Gaver, Geller, Gober, Graves, Hosmer, Hunt, Johnston of San Francisco, Jones, Keys, Mellus, Meredith, Murdock, Oxley, Palmer, Phelps, Rowe, Ryland, Sherard, Singley, Stewart, Taylor, Updegraff, Vineyard, Wells, Whitney and Mr. Speaker—43.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Ashley, Beatty, Brown of Contra Costa, Cunningham of El Dorado, Gragg, McCurdy, Quinn, Stevens, Watkins and Waite—10.

Agreed to.

House resolved itself into Committee of the Whole to consider the bill, Mr. Taylor in the Chair.

Committee rose, reported, recommended the passage of the bill and were discharged.

House concurred in Committee recommendation.

Mr. Ferrell moved to re-consider the vote by which the House concurred in Committee recommendation.

Agreed to.

The bill was considered engrossed.

Read third time, and,

On its passage, Messrs. Graves, Wells and Watkins demanded the ayes and noes, with the following result :

AYES.

Messrs. Arrington, Ashley, Adkison, Baker, Bates, Beatty, Brewton, Burke, Cammet, Cory, Chase, Clayton, Covarrubias, Cunningham, of Sierra, Curtis, Doughty, Farley, Farwell, Ferrell, Flournoy, Foster, Gaver, Geller, Graves, Hosmer, Hunt, Johnston, of San Francisco, Jones, Mellus, Meredith, Murdock, Palmer, Phelps, Quinn, Rowe, Stevenson, Sherrard, Smith, of El Dorado, Smith, of Marin, Stewart, Taylor, Updegraff, Vineyard, Whitney and Mr. Speaker—45.

NOES.

Messrs. Andrews, Amyx, Cunningham, of El Dorado, Douglas, Ferguson, Gober, Gragg, McCurdy, Oxley, Stevens, Watkins, Waite and Wells—13.

So the bill was passed

House resolved itself into Committee of the Whole, Mr. Johnston, of San Francisco, in the chair, to consider Assembly bill No. 353, An Act appropriating money for the Emigrant Road from the Eastern Boundary of this State through the Cajon Pass to San Pedro.

Rose, reported and were discharged.

Substitute adopted.

Considered engrossed.

Read third time, and, on its passage,

Messrs. Watkins, Baker and Hunt demanded the ayes and noes, with the following result:

AYES.

Messrs. Ashley, Baker, Brewton, Buffum, Cammet, Chase, Clayton, Covarrubias, Dana, Farwell, Ferrell, Flournoy, Gaver, Geller, Hosmer, Hunt, Johnston, of San Francisco, Jones, Keys, McCurdy, Mellus, Oxley, Rowe, Taylor, Vineyard, Whitney and Mr. Speaker—27.

NOES.

Messrs. Andrews, Amyx, Adkison, Bates, Bogardus, Cory, Cunningham, of El Dorado, Douglas, Gober, Johnson, of El Dorado, Kinney, Palmer, Quinn, Stevens, Stevenson, Singley, Smith, of El Dorado, Watkins and Waite—19.

So the bill was passed.

Mr. Oxley introduced a bill for An Act supplemental to and amendatory of an Act entitled an Act to provide for the Settlement of the Affairs of the State Marine Hospital, at San Francisco, and to dispose of the Property belonging to the same, passed April 16, 1855.

Read third time and passed.

Assembly bill No. 300, An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, passed May 15, 1854.

Mr. Douglas moved to non-concur in Senate amendments.
Agreed to.

The following message was received from the Senate :

SENATE CHAMBER, April 21, 1855.

Mr. Speaker :

I am directed to inform the Assembly, that the Senate did, on yesterday, pass the following :

Senate bill No. 101, entitled An Act to authorize the Construction of a Wharf at Half-Moon Bay, in the County of San Francisco.

Respectfully submitted,

C. DICKINSON,
Secretary Senate.

Senate bill No. 101, An Act to authorize the Construction of a Wharf at Half-Moon Bay, in the County of San Francisco.

Read first and second time, and referred to Committee on Commerce and Navigation.

Senate bill No. 92, An Act making Appropriations to defray the Ordinary Civil Expenses of the Government of this State, from the first day of February, A. D. 1855, to the 1st day of February, A. D. 1856.

House resolved itself in Committee of the Whole, to consider the bill, Mr. Ryland in the chair.

Committee rose, reported and were discharged.

Mr. Watkins moved to re-commit to Select Committee of five,

Messrs. Murdock, Johnston, of San Francisco, Douglas, Ryland and Wells were appointed said Committee.

On motion of Mr. Meredith, House adjourned at 4 o'clock, P. M.

IN ASSEMBLY.

MONDAY, April 23, 1855.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called, and the following members were absent:

Messrs. Arrington, Boles, Cammet, Chase, Coombs, Dana, Flournoy, Rodgers, and Taylor.

Mr. Boles was granted indefinite leave of absence on account of sickness.

Mr. Brown of Contra Costa, and Mr. Johnson of El Dorado, were granted leave of absence for two days, and Mr. Whitney for one day.

The Journal of Saturday was read and approved.

Mr. Johnston, of San Francisco, on leave, introduced a bill for An Act to amend the third section of the Act concerning forcible entries, &c.

Read first and second time, and referred to the Judiciary Committee.

Mr. Farwell introduced a bill for An Act to organize the County of Remondo out of the County of San Francisco.

Read first and second time, and referred to Committee on Counties and County Boundaries.

Mr. Ashley introduced a bill for An Act to confirm a certain contract of the Trustees of the City of Monterey for the building of a Wharf.

Read first and second time, and referred to Committee on Commerce and Navigation.

Mr. Bates introduced a bill for An Act to pay H. Gibbons, for certain services to the State.

Read first and second time, and placed on file.

Mr. Murdock, from the Committee of Ways and Means, made the following report:

Mr. Speaker :

The Committee of Ways and Means, having considered Senate bill No. 189, An Act appropriating Moneys for the benefit of the Orphan Asylums of the City of San Francisco, report the same, and recommend its passage, without amendment.

A. H. MURDOCK,
Of Committee.

Mr. Buffum, Chairman, made the following report:

Mr. Speaker :

The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 302, have had the same under consideration, and have instructed me to report it back, and recommend its passage.

E. G. BUFFUM,
Chairman.

Assembly bill No. 302, An Act to authorize Benjamin F. Forsyth to build a Wharf in the County of Solano.

Considered engrossed, read third time, and passed.

Mr. Moreland made the following report:

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed—
An Act to provide for the Government of the State Prison; and, also,

An Act amendatory of and supplementary to an Act, passed April 16, 1855, entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, passed May 15, 1854.

THOS. MORELAND,
Chairman.

Mr. Ryland verbally reported Senate bill No. 44, An Act concerning Public Ferries and Toll Bridges, with amendments, and recommend its passage.

Mr. Kinney verbally reported Senate bill No. 83, An Act to declare the Tenure of lands in the Mineral Districts of this State, and Assembly bill No. 194, relating to the same subject, with a substitute.

Mr. Johnson, of El Dorado, made the following report:

Mr. Speaker :

The Committee, to whom was referred Assembly bill No 95, to authorize Hugh Slicer, E. Steele, Charles McLaughlin, and Henry A. Lockhart, to construct a Wagon Road from the Sacramento Valley to Yreka, Shasta Valley, beg leave to report the same back, after a long and careful consideration, with amendments, and recommend the passage of same.

J. C. JOHNSON,
Of Committee.

Mr. Waite, Chairman, verbally reported a bill for the relief of Wells, Fargo & Co.

Read first and second time, considered in Committee of the Whole, (Smith, of Marin, in the chair.)

Committee rose, reported, and were discharged.

The bill was considered engrossed, read third time, and passed.

Mr. Lincoln introduced a bill for An Act to provide for the Improvement of the Beckwith Route across the Sierra Nevada Mountains.

Read first and second time, and placed on file.

Mr. Buffum offered the following resolution:

Resolved, That in order that we may be able to judge what will be the probable necessary amount to appropriate for the contingent expenses of State officers during the coming year, the present State officers, to whom appropriations for contingent expenses were made at the last session of the Legislature, be requested to make a statement of the contingent expenses of their offices during the past year, specifying item by item.

Adopted.

Mr. Murdock offered the following resolution:

Resolved, That the Clerk of the Assembly be requested, on to-morrow, if possible, to furnish a statement of the unfinished business connected with this branch of the Legislature.

Adopted.

Mr. Ashley offered the following resolution:

Resolved, That there be printed for the use of the members of this House one thousand copies of the Act to suppress Gaming, and of the Act to prohibit Noisy and Barbarous Amusements on the Christian Sabbath, to be printed in one pamphlet.

Adopted.

Mr. Johnston, of San Francisco, moved to take from the table Assembly bill No. 309, An Act to regulate the Fire Department of the City of San Francisco.

Agreed to.

Committee amendments were concurred in, the bill was further amended, considered engrossed, read third time, and passed.

On motion of Mr. Edwards, Senate bill No. 44, An Act concerning Public Ferries and Toll Bridges was taken up.

Committee amendments adopted, read third time, and passed.

Mr. Doughty moved to take up Assembly bill No. 94

Upon which, Messrs. Jones, Oxley, and Brewton, demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Bates, Brewton, Buffum, Cunningham of El Dorado, Douglas, Doughty, Ferrell, Foster, Gaver, Gaylord, Hosmer, Johnston of San Francisco, Keys, Kinney, Lincoln, McCutchan, McConnell, Murdock, Quinn, Stevens, Sherrard, Sugley, Smith of El Dorado, Smith of Marin, Stewart, Watkins, and Wells—28.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Adkison, Bogardus, Brown of Nevada, Burke, Cory, Clayton, Covarrubias, Curtis, Edwards, Gragg, Hunt, Jones, McCurdy, Mellus, Oxley, Phelps, Ryland, Taliaferro, and Waite—20.

So the bill was taken up.

Assembly bill No. 94, An Act for the better protection of Settlers.

Substitute was adopted.

Mr. Mellus moved to indefinitely postpone.

Mr. Stow moved to insert "good faith" after the word land, in section second, and strike out the same where it occurs after the word complaint in the same section.

Not agreed to.

Mr. Oxley moved a call of the House.

Lost.

Mr. Ashley moved to amend fourth section, by striking out "in which," and insert, "and in addition to other defences."

Adopted.

The question recurring upon the motion of Mr. Mellus to indefinitely postpone the bill, Messrs. Amyx, Vineyard and Doughty, demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Bates, Bogardus, Boles, Cory, Clayton, Covarrubias, Douglas, Doughty, Foster, Gober, Graves, Gragg, Hunt, Kinney, McCurdy, Mellus, Moreland, Oxley, Phelps, Rowe and Taliaferro—24.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Ashley, Adkison, Beatty, Brewton, Brown of Nevada, Buffum, Burke, Cook, Cunningham of El Dorado, Curtis, Edwards, Farwell, Ferrell, Gaver, Gaylord, Geller, Hosmer, Johnston of San Francisco, Jones, Keys, Lincoln, McCutchan, McConnell, Meredith, Quinn, Ryland, Stevenson, Sherrard, Singley, Smith of El Dorado, Stewart, Updegraff, Vineyard, Watkins and Wells—36.

So the motion was lost.

Mr Jones moved to re-commit the bill to a select Committee of six, with special instructions, and to report on to-morrow.

Messrs. Brewton, Doughty and Vineyard demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Bates, Beatty, Bogardus, Boles, Buffum, Burke, Cory, Clayton, Cook, Covarrubias, Curtis, Edwards, Farley, Ferrell, Ferguson, Gober, Graves, Gragg, Hunt, Johnston of San Francisco, Jones, Kinney, McConnell, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rowe, Ryland, Stevens, Taliaferro, Waite and Wells—38.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Adkison, Baker, Brewton, Cunningham of El Dorado, Douglas, Doughty, Farwell, Foster, Gaver, Gaylord, Hosmer, Keys, McCutchan, Palmer, Quinn, Stevenson, Sherrard, Singley, Smith of El Dorado, Stewart, Updegraff, Vineyard and Watkins—24.

So the motion was carried.

Messrs. Jones, Doughty, Amyx, Hosmer, Baker and Gober were appointed the Committee.

Mr. Palmer, from Committee on Engrossment, made the following report:

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed the following bills:

Assembly bill No. 309, An Act to regulate the Fire Department of the City of San Francisco.

Also, An Act to re-incorporate the City of San Francisco.

J. W. D. PALMER,
Chairman.

On motion of Mr. Taliaferro, Senate message reporting Assembly bill No. 56 was taken up.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have this day concurred in Assembly bill No. 56, entitled An Act to provide for the Ascertainment of the Indebtedness of Calaveras County, prior to the organization of Amador County, and provide for the Payment of that portion due from Amador County to the County of Calaveras, with an amendment as shown therein.

C. DICKINSON,
Secretary of Senate.

Senate amendments were concurred in.

Mr. Meredith, Chairman, made the following report:

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled the following Acts .

An Act concerning the Organization of the Militia.

An Act to protect the Owners of Growing Crops, Buildings and other Improvements in the Mining Districts of this State.

An Act to fix the Compensation of the County Judges of Siskiyou, Trinity and Klamath, and to repeal in part the 1st Section of An Act entitled an Act to fix the Compensation of County Judges and Associate Justices of the Court of Sessions, passed May 17, 1853.

An Act to change the name of Edwin Clark Patt, to Edwin Patt Clark.

An Act to provide for the Survey and Construction of a Wagon Road over the Sierra Nevada Mountains.

H. B. MEREDITH,
Chairman.

Assembly bill No. 170, An Act concerning Roads and Highways.

Read third time and passed.

Assembly bill No. 216, An Act to amend an Act to provide for the Protection of Foreigners and to define their Liabilities and Privileges, passed March 30, 1853.

Amended, read third time and passed.

Assembly bill No. 263, An Act to require the Closing of Business Houses in certain Counties in this State, on the first day of the week, commonly called Sunday.

Read third time and passed.

On motion of Mr. Smith of Marin, Assembly bills No. 340 and 366 were made the special order for to-morrow, at eleven o'clock, A. M.

Senate bill No. 127, An Act amendatory of an Act to regulate Proceedings in Civil Cases in Courts of Justice of this State.

Committee amendments adopted.

Further amended.

Read third time and passed.

Mr. Andrews moved to adjourn.

Lost.

On motion of Mr. Smith of Marin, Assembly bill No. 373, An Act concerning Conveyances, Mortgages and other Instruments of Writing, was taken up.

Considered engrossed.

Read third time and passed.

Title amended.

The following message was received from the Senate :

SENATE CHAMBER, April 23, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have, on this day, passed the following Senate concurrent resolution :

Resolved, (by the Senate, the Assembly concurring) That the Chairman of Judiciary Committee of the Senate and the Chairman of the Judiciary Committee of the Assembly be required to examine the compilation and digest of the laws of this State, prepared by W. H. R. Wood, Deputy Secretary of State, and, if they find the same correct and approve of it, to report the same to the Senate and Assembly as early as may be possible, together with the probable cost of the publication of one thousand bound volumes, for the use of the State.

That the Senate adhere to their amendment to the Revenue bill, and have appointed Messrs. Tuttle, Scellen and Keene as a Committee of Free Conference, and ask the appointment of a similar Committee on the part of the Assembly.

Respectfully submitted,

C. DICKINSON,

Secretary of Senate.

The House concurred in Senate concurrent resolution :

The Committee of Free Conference, on the part of the House, were Messrs. Douglas, Ryland and Murdock.

Assembly bill No. 121, An Act for securing Liens to Mechanics and others.

Senate amendments concurred in.

On motion, of Mr. Stevenson, the House adjourned, at four o'clock and ten minutes, P. M.

IN ASSEMBLY.

TUESDAY, April 24, 1855.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and the following members were absent :

Messrs. Brown of Contra Costa and Cammet.

The Journal of yesterday was read and approved.

Mr. Stevenson moved a suspension of the rules, to allow Mr. Farwell to offer a resolution

Messrs. Watkins, Amyx and Quinn demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Adkison, Bates, Beatty, Bogardus, Brewton, Brown of Nevada, Buffum, Cory, Chase, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Douglas, Edwards, Farley, Ferrell, Foster, Ferguson, Gaylord, Geller, Gragg, Hosmer, Johnston of San Francisco, Keys, Kinney, McConnell, McCurdy, Mellus, Meredith, Moreland, Murdock, Rodgers, Rowe, Stevens, Sherrard, Singley, Smith of Marin, Stewart, Wells and Mr. Speaker—42.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Burke, Doughty, Gober, Graves, McCutchan, Palmer, Phelps, Quinn, Taliaferro, Vineyard, Watkins and Waite—13.

So the motion was carried.

Mr. Farwell offered the following resolution:

Resolved, That General John A. Sutter and staff, the officers and members of the California Guards, San Francisco City Guards and the San Francisco Blues be invited to visit the Assembly Chamber this day.

Adopted

Messrs. Farwell, Rodgers and Johnston of San Francisco were appointed a Committee of Invitation.

The following message was received from the Senate :

SENATE CHAMBER, April 24, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have refused to concur in the Assembly amendments to Senate bill No. 44, entitled An Act concerning Public Ferries and Toll Bridges, and have appointed, as a free Committee of Conference, on the part of the Senate, Messrs. Sprague, Crenshaw and Heintzelman, and ask the appointment of a similar Committee on the part of the House.

The Senate has passed Senate bill No. 193, An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed May 15, 1854.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

The Chair appointed Messrs Gaylord, Adkison and Brewton a Committee of Free Conference on Senate bill No. 44.

The following message was received from the Senate :

SENATE CHAMBER, April 24, 1855

Mr. Speaker :

I am directed to inform the Assembly that the Senate adhere to their amendment to Assembly bill No. 197, An Act supplementary to an Act to provide for the permanent Location of the Seat of Government of the State of California, and have appointed Messrs. McCoun, Colby and Leake as a Committee of Conference, and ask the appointment of a similar Committee on the part of the House.

Also passed Senate concurrent resolution relative to the action of the State Treasurer.

Also, that the Senate refuse to recede from their amendment to Assembly bill No. 217, An Act amendatory of an Act concerning County Recorders, and have appointed Messrs. Sprague, May and Day as a Committee of Free Conference, and respectfully ask the appointment of a similar Committee on the part of the House.

Also, passed Assembly bill No. 368, An Act supplementary to and explanatory of an Act entitled an Act to prohibit Lotteries, Raffles and Gift Enterprises, and other Schemes of a like character, passed April 10, 1855.

Also, concurred in Assembly concurrent resolution relative to placing a bell buoy at the entrance of the harbor of San Francisco.

Also, passed Assembly bill No. 33, An Act concerning Lawful Fences, with amendments as shown therein.

Also, passed Senate bill No. 86, An Act entitled an Act to fix the Salary of the County Judge of Placer County.

Also, Assembly bill No. 257, An Act to amend an Act entitled an Act to provide for the Construction of a Canal from Tulare Lake to the Waters of the San Joaquin

Also, Assembly bill No. 105, An Act to provide for the Disposal of Lots in the Towns or Villages on the Public Lands in the County of Humboldt.

Also, Assembly bill No. 252, An Act supplementary to and amendatory of an Act entitled an Act concerning Conveyances, passed April 16, 1850.

Also, concurred in Assembly concurrent resolution relative to the Construction of a Military Road from Sacramento Valley to Crescent City, via. Shasta Valley.

Also, passed Assembly bill No. 213, An Act amendatory of and supplemental to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850, and have amended the title as shown therein.

Also, Assembly bill No 369, An Act amendatory of and supplementary to an Act passed April 16, 1855, entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, passed May 15, 1854.

Respectfully submitted,

C. DICKINSON,
Secretary Senate.

The Chair appointed, as Committee of Free Conference on Assembly bill No. 197, Messrs. Edwards, Watkins and Cunningham of Sierra.

Also, appointed Messrs Ashley, Jones and Johnston of San Francisco as Committee of Conference on Assembly bill No. 217.

The following Committees of Conference were appointed on the part of the House:

Messrs. Gaylord, Adkison and Brewton, on the disagreeing vote on An Act concerning Public Ferries and Toll Bridges.

Messrs. Edwards, Watkins and Cunningham of Sierra, on An Act to provide for the permanent Location of the Seat of Government of California.

Messrs. Ashley, Jones, and Johnston of San Francisco, on An Act amendatory of an Act concerning County Recorders.

Assembly bill No. 243, An Act amendatory of and supplemental to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

Senate amendments were concurred in.

Senate bill No. 193, An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854.

Read first and second time and referred to the Judiciary Committee.

Senate bill No. 86, a bill for an Act entitled An Act to fix the Salary of the County Judge of Placer County.

Read first and second time and referred to Placer Delegation.

The following Senate concurrent resolution was concurred in :

Resolved, by the Senate, the Assembly concurring, That the Treasurer of State be, and he is hereby, directed to pay cash, in accordance with an Act, passed on the first day of February, 1855, entitled An Act requiring the Controller to audit certain bills of the Members and Officers of the present Legislature, to such members and officers only; except when authority has been given and a transfer been made, with a special power of attorney.

Assembly bill No. 33, An Act concerning lawful Fences, and trespassing of Animals on Private Property.

Senate amendments amended and concurred in.

Assembly bill No. 105, An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in the County of Humboldt.

Senate amendments were concurred in.

Mr. Buffum made the following report:

Mr. Speaker:

The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 378, An Act to confirm a certain contract of the Trustees of the City of Monterey, for the building of a Wharf, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

E. G. BUFFUM,
Chairman.

Assembly bill No. 378, An Act to confirm certain Contracts of the Trustees of the City of Monterey for the building of a Wharf.

Considered engrossed, read third time, and passed.

Mr. Farley made the following report:

Mr. Speaker:

The Committee on Counties and County Boundaries have had under consideration petitions, remonstrances, and Assembly bill No. 377, An Act to organize the County of Remondo out of the County of San Francisco, and your Committee not being sufficiently informed to arrive at any correct conclusion in relation to the division of said County of San Francisco, report said petitions and bill back to the House; and having full confidence in the delegation from San Francisco—believing that they, with their industry and close attention to business, will be better able to give this subject a fair consideration,—therefore recommend that the petitions, remonstrance, and bill, be referred to said delegation.

J. T. FARLEY,
Chairman.

Mr. Meredith made the following report:

Mr. Speaker :

The Joint Committee on Enrollment presented to Governor Bigler, for his approval, this day—

An Act concerning the organization of the Militia.

An Act to protect the owners of growing crops, buildings, and other improvements, in the mining districts of this State.

An Act to fix the compensation of the County Judges of Siskiyou, Trinity, and Klamath, and to repeal in part the first section of an Act entitled an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed May 17, 1853.

An Act to change the name of Edwin Clark Patt to Edwin Patt Clark.

And, An Act to provide for the Survey and Construction of a Wagon Road over the Sierra Nevada Mountains.

H. B. MEREDITH,
Chairman.

Mr. Gober made the following report:

Mr. Speaker:

The Committee on Vice and Immorality, to whom was referred Senate bill No. 174, An Act to punish Vagrants, Vagabonds, and dangerous and suspicious Persons, report the same back, and recommend its passage as amended.

W. R. GOBER,
Chairman.

Mr. Taliaferro made the following majority report:

Mr. Speaker:

A majority of the Committee, comprising the Calaveras and Amador delegations, to whom was referred Assembly bill No. 370, entitled An Act to divide the Nineteenth Senatorial District, have given the same their careful attention, and beg leave, most respectfully, to report, that in the opinion of the Committee, the Act in question conflicts with the provisions of the Constitution.

Section twenty-eight of Article fourth of the Constitution, provides that "the enumeration of the inhabitants of this State shall be taken in the year 1852 and 1855, and every ten years thereafter; and these enumerations, together with the census that may be taken by Congress in the year 1850, and every ten years thereafter, shall serve as the basis of representation in both houses of the Legislature.

Section twenty-nine of the same Article, declares, that the number of Senators and members of Assembly shall, at the first session of the Legislature holden after the enumeration herein provided for, be apportioned among the several counties and districts, according to the number of white inhabitants.

In accordance with the sections above recited, the census of this State was taken in the year 1852, and the Legislature of 1853, the first Legislature assembled thereafter, apportioned the Senators among the several counties and districts according to their white population. According to that apportionment and census, the county of Calaveras, with its then boundaries and population, was entitled to two Senators. The next Legislature, holden in 1854, divided the county of Calaveras, and called the new county, Amador. By the Act of division, both counties remained together as one Senatorial district.

This bill proposes to divide the district, and allow Amador to elect one Senator and Calaveras one.

There has been no enumeration of the inhabitants of the two counties since 1852, and there is no way of knowing the population of these two counties separately. Calaveras may contain three-fourths of the people of the district, as it now is, or Amador may contain three-fourths. If either of the counties is more populous than the other, and this bill become a law, it is clear the representation will be unequal, according to the number of inhabitants. Furthermore, it is perfectly clear, that this Legislature has no right to make an apportionment of representation at any other period than after an enumeration of inhabitants provided for in the Constitution.

If the Legislature can divide a Senatorial district when it is composed of two counties, it can also divide a district when composed of only one county. If the bill is constitutional, there is nothing to prevent the county of El Dorado, which is entitled to four Senators, from being divided into four districts, and allowing each district to elect one Senator. Now these districts might, or might not, be equal in population, for there would be no census to determine whether they were or not.

The Constitution has prohibited an apportionment, except at the next session of the Legislature after the taking of the census for the reason, that representation must be equal to white population. It is true, that so long as what was old Calaveras county retains the number of Senators allotted to her in 1853, the other parts of the State are not affected; but the Constitution is violated, and the wrong done to the people; for if either of the counties interested be more populous than the other, this bill would give to a minority a representation equal to that of a majority.

It appears from these reasons, that if, without any enumeration of the people, representative districts may be changed at the will of the Legislature, that the spirit and letter of the Constitution would not only be violated, but a large majority might be governed and controlled by a minority.

The undersigned would further add, that under the provisions of a bill which passed this House the present session concerning the census of this State, the census is to be taken some time during this year, and as it is probable that the nineteenth district will, under the next apportionment, be entitled to one additional Senator, it is desirable, in order to avoid difficulty in the representation of said district, that the present regulation should not be disturbed.

We, therefore, most respectfully recommend the indefinite postponement of the bill.

T. W. TALIAFERRO,
S. B. STEVENS,
E. T. BEATTY,

Sacramento, April 24, 1855.

Mr. Murdock, from Select Committee, made the following report:

Mr. Speaker :

The Select Committee, to whom was referred Senate bill No. 92, An Act making appropriations to defray the ordinary Civil Expenses of the Government of this State, from the first day of February, A. D. 1855, to the first day of February, A. D. 1856, having considered the same, would respectfully report: That after a most minute examination, they are of the opinion that the amounts estimated for various contingent expenses, as set forth in the bill, are not unnecessarily large, and would recommend the passage of the bill in its original form with slight amendments, herewith submitted.

The Committee also recommend the adoption of the extra section adopted in Committee of the Whole, marked "Sec. 2," herewith accompanying.

A. H. MURDOCK,
D. F. DOUGLAS,
GEO. PEN. JOHNSTON,
T. WELLS.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, April 23, 1855. }

To the Assembly of California:

I have this day approved the following Acts, which originated in the Assembly, viz :

An Act to establish the Boundaries of Amador County, and fix the County Seat thereof

An Act for the relief of H. B. & C. E. Paine.

An Act to discharge the Board of Examiners of War Claims from further duties, and to abolish the same.

An Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 20, 1855.

An Act relating to the Safe-keeping of the Public Moneys ; and,

Joint Resolution relative to the establishment of an additional Land District in this State.

JOHN BIGLER.

On motion of Mr. Stevenson, Assembly bill No. 289, An Act granting Jesse Busau the right to construct a Toll Bridge across the Middle Fork of the Consumnes River, was taken from the file.

Considered engrossed, read third time, and passed.

Mr. Palmer made the following report:

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed:

An Act to provide for the payment of the amount remaining due for Express charges for the Fifth Session of the Legislature of this State.

An Act to authorize Benjamin F. Forsyth to build a Wharf in the County of Solano.

An Act to provide for the Survey and Construction of a Wagon Road, and for the Sinking of Wells on the same from the Colorado River to the Bay of San Diego.

An Act to provide for the improvement of the Wagon Road from the Eastern Boundary of the State, through the Tejon Pass, to San Pedro in Los Angeles County.

An Act supplemental to and amendatory of an Act entitled an Act to provide for the Settlement of the Affairs of the State Marine Hospital at San Francisco, and to dispose of the property belonging to the same, passed April 16, 1855 ; and,

An Act concerning Conveyances, Mortgages, and other instruments in writing.

J. W. D. PALMER,

From Committee on Engrossment.

Mr. Jones verbally reported Assembly bill No. 94, An Act for the better Protection of Settlers, with amendments.

Bill was temporarily laid on the table.

Mr. Taliaferro, by leave, introduced a bill for An Act to change the Time of holding the County Court and the Court of Sessions in the County of Calaveras and change the Manner of Summoning a jury for the County Court of said County.

Read first and second time.

Considered engrossed.

Read third time and passed.

The following communication was received from the Quartermaster General:

OFFICE OF QUARTERMASTER AND ADJUTANT GENERAL, }
Sacramento, April 24, 1855. }

To the Hon. the Senate and Assembly of the State of California :

In behalf of the officers of the military companies now on a visit to this city, from the city of San Francisco, and their guests, I have the honor hereby to invite you to be present and witness the parade and review, to take place on the public square, at one o'clock, P. M., this day.

Very respectfully,
Your obedient servant,

WM. C. KIBBE,
Quartermaster and Adjutant General California Militia.

On motion of Mr. Farwell, Assembly bill Nos. 340 and 266, relating to the State Prison, were taken up.

On motion of Mr. Ferrell, bill No. 340, An Act for annulling the contract at present existing between the State of California and James M. Estill, Lessee for the keeping of the State Prison Convicts, made under An Act entitled an Act to provide for securing the State Prison Convicts, passed April 25, 1851, and An Act entitled an Act in relation to State Prison Convicts, passed April 10, 1852, was recommitted to a Committee of one, with instructions to report forthwith.

Mr. Ferrell was appointed the Committee.

Mr. Ferrell verbally reported the bill back, with amendments.

Adopted.

Mr. Ryland offered further amendments, and moved to re-commit the bill to a Select Committee of five, with special instructions to report back the following substitute:

AN ACT to authorize the Construction of a Wall around the State Prison House at San Quentin, in Marin County.

*The People of the State of California represented in Senate and Assembly,
do enact as follows :*

Sec. 1. The Governor, Secretary of State, and Controllor, are constituted a Board of Commissioners, and are hereby authorized and required to contract for the erection of a wooden wall around the State Prison House at San Quentin, in the County of Marin, not to cost exceeding the sum of fifteen thousand dollars.

Sec. 2. The said wall shall be four hundred feet on each side, and shall be so constructed as to include the Prison house. The same shall be twenty feet high, the base whereof shall be extended downward to accommodate itself to the inequalities of the bed rock. The plank used in the construction of said wall shall be pine or oak, twenty feet long and three inches thick, to be connected and fastened by seven-inch spike nails, driven into oak string-pieces, four by six inches, which pieces shall not be farther apart than four feet, and shall be morticed and set in posts twenty-two feet long, one foot square, set in the ground not less than four feet.

Sec. 3. Said Board are hereby authorized and required to receive proposals to build said wall and to make contracts for the erection of the same, after having given three weeks' notice in two daily newspapers, one in the city of San Francisco and one in the city of Sacramento, and, after the erection and completion of said wall, to receive the same, if built according to contract.

Sec. 4. For the purpose of paying for the construction of said wall, the sum of fifteen thousand dollars is hereby appropriated and set apart out of any moneys in the general fund not otherwise appropriated; and, upon the certificate of said Board, or any two of them, the Controller is hereby authorized and required to draw his warrant on the State Treasury for the amount so certified to be due, and the State Treasurer is hereby authorized and required to pay the same out of any moneys in the general fund not otherwise appropriated. *Provided:* Nothing in this Act shall be so construed as to allow said Board, or any member thereof, in any manner to create or make any debt, liability, contract or obligation over, above or beyond the said sum of fifteen thousand dollars, herein appropriated, and any and all debts, liabilities, contracts and obligations, created or incurred over and above the said sum so appropriated, shall be held to be the individual debts and liabilities of said Board, and each and every such contract over and above said sum, shall be null and void as against the State.

Sec. 5. Said wall shall be completed within forty-five days after making the contract for the erection of the same.

Mr. Farwell moved the previous question.

Sustained.

The question then recurring upon Mr. Ryland's motion,

The ayes and noes were demanded by Messrs. Ryland, Stevens and Flournoy, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Ashley, Beatty, Bogardus, Boles, Cory, Coombs, Cook, Cunningham of El Dorado, Gober, Graves, Keys, Lincoln, McConnell, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Quinn, Ryland, Stevens, Sherrard, Watkins, Waite and Wells—28.

Those who voted in the negative were—

NOES.

Messrs. Baker, Bates, Brown of Nevada, Buffum, Cammet, Chase, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Ed-

wards, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Hosmer, Hunt, Johnston of San Francisco, Jones, Kinney, McCutchan, McCurdy, Oxley, Rodgers, Rowe, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Whitney and Mr. Speaker—42.

So the motion was lost.

The bill was read third time.

When put upon its passage,

Messrs. Ryland, Watkins and Amyx demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Baker, Bates, Brown of Nevada, Buffum, Cammet, Chase, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Geller, Hosmer, Hunt, Johnston of San Francisco, Kinney, McCurdy, Oxley, Rodgers, Rowe, Stevenson, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Whitney and Mr. Speaker—39.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Ashley, Adkison, Beatty, Bogardus, Boles, Cory, Coombs, Cook, Cunningham of El Dorado, Gober, Graves, Gragg, Jones, Keys, Lincoln, McCutchan, McConnell, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Quinn, Ryland, Stevens, Sherrard, Smith of El Dorado, Watkins, Waite and Wells—33.

So the bill passed.

Mr. Stevenson voted aye for the purpose of moving a re-consideration.

Mr. Smith of Marin moved to re-consider the vote just taken.

Mr. Hosmer moved to indefinitely postpone the motion.

Messrs. Beatty, Waite and Stevens demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Baker, Bates, Brewton, Brown of Nevada, Buffum, Cammet, Chase, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Geller, Hosmer, Hunt, Johnston of San Francisco, Jones, Kinney, McCurdy, Oxley, Rodgers, Rowe, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Whitney, and Mr. Speaker—40.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Ashley, Adkison, Beatty, Bogardus, Boles, Cory, Coombs, Cook, Cunningham of El Dorado, Gober, Graves, Gragg, Keys, Lincoln, McCutchan, McConnell, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Watkins, Waite and Wells—34.

So the motion was indefinitely postponed.

Mr. Rowe moved to take a recess for one hour.

Whereupon, Messrs. Amyx, Watkins, and Bates, demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Adkison, Brewton, Covarrubias, Cunningham of Sierra, Curtis, Douglas, Farwell, Flournoy, Ferguson, Geller, Hosmer, Hunt, Kinney, Lincoln, McCurdy, Meredith, Oxley, Rodgers, Rowe, Sherrard, Smith of Marin, Stewart, and Vineyard—24.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Ashley, Bates, Beatty, Bogardus, Brown of Nevada, Cammet, Cook, Cunningham of El Dorado, Doughty, Edwards, Ferrell, Foster, Gober, Graves, Gragg, Johnston of San Francisco, Jones, McCutchan, McCounell, Mellus, Moreland, Murdock, Phelps, Quinn, Ryland, Stevens, Singley, Smith of El Dorado, Taliaferro, Taylor, Updegraff, Watkins, Waite, Wells, Whitney, and Mr. Speaker—38.

Mr. Stevenson moved to take a recess till 3 o'clock, P. M.

Upon which, Messrs. Ashley, Clayton, and Watkins, demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Brown of Nevada, Buffum, Farley, Ferrell, Hosmer, Hunt, McCurdy, Rowe, Stevenson, Updegraff, and Vineyard—12.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Ashley, Bates, Beatty, Bogardus, Cammet, Cory, Clayton, Cook, Cunningham of El Dorado, Cunningham of Sierra, Doughty,

Gaver, Gaylord, Gober, Graves, Gragg, Johnston of San Francisco, McCutchan, McConnell, Mellus, Moreland, Phelps, Quinn, Ryland, Stevens, Singley, Smith of El Dorado, Taliaferro, Taylor, Watkins, Waite, and Wells—34.

So the motion was lost.

On motion of Mr. Stevenson, adjourned at 2 o'clock, P. M.

IN ASSEMBLY.

WEDNESDAY, April 25, 1855.

House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called—

Mr. Farwell absent.

The Speaker called Mr. Buffum to the chair, to act as Speaker *pro tem*.

Mr. Buffum took the chair.

Mr. Jones moved to expunge the ayes and noes on adjournment from the Journal of yesterday, which the Chair decided in order.

Mr. Ashley appealed from the decision of the Chair.

The question being, Shall the decision of the Chair stand as the decision of the House?

Messrs. Moreland, Watkins, and Ashley, demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Brewton, Cunningham of Sierra, Curtis, Geller, Hunt, Johnston of San Francisco, Jones, and Vineyard—8.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Ashley, Adkison, Bates, Bogardus, Boles, Brown of Contra Costa, Brown of Nevada, Burke, Canmet, Cory, Clayton, Cunningham of El Dorado, Doughty, Farley, Ferrell, Flournoy, Foster, Gaylord, Gober, Graves, Gragg, Keys, Kinney, Lincoln, McCutchan, Mellus, Moreland, Palmer, Phelps, Quinn, Rodgers, Ryland, Stevens, Sherrard, Smith of El Dorado, Smith of Marin, Taliaferro, Taylor, Updegraff, Watkins, Waite, Wells, and Whitney—45.

So the decision of the Chair was not sustained.

Mr. Burke verbally reported Assembly bill No. 145.
Placed on file.

Mr. Edwards made the following report :

Mr. Speaker :

The Committee on the Judiciary report that they have considered Senate bill No. 201, An Act to facilitate the exposure of the Perpetrators of certain Frauds, alleged to have been committed in the City of San Francisco, and have been unable to agree upon any recommendation. The members concur in the opinion that the proposed enactment is within the constitutional power of the Legislature; but as they cannot agree as to its wisdom and propriety, they ask leave to report the bill back to the House without any recommendation.

P. L. EDWARDS,
Chairman.

Mr. Buffum made the following report:

Mr. Speaker :

The Committee on Commerce and Navigation, to whom was referred Senate bill No. 101, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

E. G. BUFFUM,
Chairman.

Mr. Farley verbally reported Senate bill No. 216.
Placed on file.

Mr. Gaylord made the following report:

Mr. Speaker :

The Committee of Free Conference on the disagreeing vote of the two Houses upon amendments to Senate bill No. 44, for an Act concerning Public Ferries and Toll Bridges, beg leave to report and recommend—

That the Senate concur in first amendment of Assembly to section 17, the Assembly recede from their second and third amendments to section 17, and adopt as substitute to Assembly amendment to section 7 the following words: "Provided, such person applying for renewal shall, in all respects, have complied with the terms and requirements of this Act," and insert in second line of substitute to section 27, after the word sessions, the words, or District Judge.

E. H. GAYLORD,
Chairman Assembly Com.

R. T. SPRAGUE,
Chairman Senate Com.

Report adopted.

Mr. Palmer made the following report:

Mr. Speaker :

The Committee on Engrossment have examined, and find correctly engrossed:

An Act to change the time of holding the County Court and Court of Sessions of the County of Calaveras, and to change the manner of summoning a Jury for the County Court of said County.

An Act to confirm a certain contract of the Trustees of the City of Monterey for the building of a Wharf ; and,

An Act granting Jesse Busan the right to construct a Toll Bridge across the Middle Fork of the Cosumnes River.

J. W. D. PALMER,
Of Committee.

Mr. Moreland made the following report:

Mr. Speaker:

The Placer Delegation, to whom was referred Senate bill No. 86, have had the same under consideration, and report it back without amendment, and recommend its passage.

THOS. MORELAND,
Chairman.

The following message was received from the Senate :

SENATE CHAMBER, April 24, 1855.

Mr. Speaker :

I am directed by the Senate to request the permission of the Assembly to insert the words "Sonoma County" in Senate bill No. 180, entitled An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851 ; the same having been omitted in the original bill, and the unanimous consent of the Senate having been granted for that purpose.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Leave to insert "Sonoma County" was granted.

The following message was received from the Senate .

SENATE CHAMBER, April 24, 1855.

Mr. Speaker :

I am directed to inform the Assembly, that the Senate did, on yesterday, pass the following bills :

Senate bill No. 214, An Act to amend an Act entitled an Act to regulate Fees in Office, approved April 10, 1855.

Senate bill No. 224, An Act to amend an Act entitled an Act to prohibit the Erection of Weirs or other Obstructions to the Run of Salmon

Senate bill No. 126, An Act to compensate Mrs. Sarah Staples, Teacher of the Pioneer School of the County of Tuolumne.

Senate bill No. 166, An Act to provide for funding the outstanding Debt of the City of Oakland, and to prevent the creation of new Debts by said city.

Assembly bill No. 101, entitled An Act supplementary to and amendatory of an Act entitled an Act to provide for the Sale of the Interest of the State of California in the Property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the Disposition of certain Property of the State of California, (passed March 26, 1851,) passed May 18, 1853.

Respectfully submitted,

C. DICKINSON,
Secretary Senate.

Senate bill No. 126, An Act to compensate Mrs. Sarah Staples, Teacher of the Pioneer School of the County of Tuolumne.

Read first and second time and referred to Committee on Claims.

Senate bill No. 214, An Act to amend an Act entitled an Act to regulate Fees in Office, approved April 10, 1855.

Read first and second time and referred to Judiciary Committee.

Senate bill No. 224, An Act to amend an Act entitled an Act to prohibit the Erection of Weirs or other Obstructions to the Run of Salmon.

Read first and second time and referred to Committee on Commerce and Navigation.

Senate bill No. 166, An Act to provide for funding the outstanding Debt of the City of Oakland, and to prevent the creation of new Debts by said City.

The following message was received from the Senate:

SENATE CHAMBER, April 24, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have, on this day, passed Assembly bill No. 190, entitled An Act to amend an Act regulating Elections, passed March 23, 1850.

C. DICKINSON,
Secretary of Senate.

Assembly bill No. 190, reported above.

Senate amendments concurred in.

On motion of Mr. Rowe, Senate bill No. 216, An Act amendatory of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, approved April 25, 1851.

Mr Arrington's amendment was lost.

The bill was read a third time, and, when put upon its passage,

Messrs. Arrington, Vineyard and Taliaferro demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ackison, Baker, Bates, Beatty, Boles, Brown of Nevada, Buffum, Cammet, Clayton, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Douglas, Edwards, Farley, Ferrell, Flournoy, Gaver, Gaylord, Geller, Graves, Gragg, Lincoln, McCutchan, Mellus, Moreland, Phelps, Quinn, Rowe, Ryland, Stevens, Taliaferro, Updegraff, Watkins, Wells and Whitney—37.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Brewton, Cory, Covarrubias, Dana, Doughty, Hunt, Kinney, McCurdy, Palmer, Singley and Vineyard—13.

So the bill passed.

Mr. Rowe moved to re-consider the vote just taken.

Mr. Cunningham of El Dorado moved to indefinitely postpone the motion.

Agreed to.

On motion of Mr. Moreland, Senate bill No 86, a bill for an Act entitled An Act to fix the Salary of the County Judge of Placer County was taken up.

Read third time and passed.

The following message was received from the Senate:

SENATE CHAMBER, April 25, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have concurred in the report of the Free Committee of Conference on Assembly bill No. 300, entitled An Act to provide Revenue for the Support of the Government of this State, and that the Senate receded from its amendment to the title to Assembly bill No. 243, An Act amendatory of and supplemental to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Mr. Douglas made the following report:

Mr. Speaker :

The Committee of Free Conference, to whom was referred Assembly bill No. 300, An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854, have had the same under consideration, and recommend that Assembly concur in the amendments to section first; also concur in amendments to section third, with proviso



adopted by Committee of Conference; also concur in section four, and where Auditor occurs in section, insert Treasurer; also concur in amendments to section fifth; also recommend a substitute for section sixth in regard to poll tax; also concur in the amendments to section seventh; also concur in amendments to section eighth; also recommend the adoption of additional section attached to the bill by the Senate.

D. F. DOUGLAS,
Chairman Assembly Committee.
CHAS. A. TUTTLE,
Chairman Senate Committee.

Adopted.

On motion of Mr. Geller, Assembly bill No. 315, An Act to separate the office of Collector of Taxes from the office of Sheriff in the County of Yuba.

Taken up, considered engrossed, read third time, and passed.

Mr. McCutchan moved to take up Assembly bill No. 241.

Not agreed to.

On motion of Mr. Flournoy, Senate bill No. 149, An Act to prohibit public Gambling was taken up.

Mr. Ryland moved to indefinitely postpone the bill.

Upon which, Messrs. Ashley, Lincoln, and Waite, demanded the ayes and noes.

Mr. Waite moved a call of the House.

Not agreed to.

Mr. Hosmer moved the previous question.

Not sustained.

Mr. Kinney moved the previous question.

Sustained.

The question then recurring on Mr. Ryland's motion to indefinitely postpone, resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Adkison, Beatty, Baker, Bogardus, Boles, Buffum, Cory, Clayton, Coombs, Dana, Doughty, Edwards, Gaylord, Gragg, Keys, Kinney, Lincoln, Moreland, Palmer, Phelps, Quinn, Ryland, Stevens, Singley, Tallafarro, Watkins, Waite, Wells, and Whitney—31.

Those who voted in the negative were—

NOES.

Messrs. Amys, Arrington, Bates, Brown of Nevada, Cammet, Chase, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Ferrell, Flournoy, Ferguson, Gaver, Geller, Graves, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, McCurdy, Meredith, Murdock, Oxley, Rodgers, Rowe, Sherrard, Smith of Marin, Stewart, Vineyard, and Mr. Speaker—32

The motion was lost.

Mr. Graves moved to re-consider the vote just taken.

Mr. Wells moved a call of the House.

Agreed to.

The roll was called, and the following members were absent :

Messrs. Arrington, Brown of Contra Costa, Burke, Cook, Farwell, Foster, Jones, McCutchan, McConnell, Murdock, and Stevenson.

On motion, the Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Bates, further proceedings under the call were dispensed with.

The question then recurring upon the motion to re-consider,

Messrs. Ryland, Ashley, and Waite, demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Adkison, Baker, Beatty, Bogardus, Boles, Buffum, Cory, Clayton, Coombs, Dana, Douglas, Doughty, Edwards, Farley, Ferrell, Gaylord, Geller, Gober, Gragg, Keys, Lincoln, Moreland, Palmer, Phelps, Quinn, Rodgers, Ryland, Stevens, Singley, Smith of El Dorado, Taliaferro, Updegraff, Watkins, Waite, Wells, and Whitney—38.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Bates, Brewton, Brown of Nevada, Cammet, Chase, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Flournoy, Ferguson, Gaver, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCurdy, Mellus, Murdock, Oxley, Rowe, Sherrard, Smith of Marin, Stewart, and Vineyard—28.

So the vote was re-considered.

The question then recurred on Mr. Ryland's motion to indefinitely postpone.

Messrs. Ashley, Lincoln, and Clayton, demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Adkison, Baker, Beatty, Bogardus, Boles, Buffum, Cory, Clayton, Coombs, Dana, Doughty, Edwards, Farley, Gaylord, Gober, Gragg, Keys, Lincoln, Moreland, Palmer, Phelps, Quinn, Ryland, Stevens, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Updegraff, Watkins, Waite, Wells, Whitney—35.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Brewton, Brown of Nevada, Cammet, Chase, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Ferrell, Flournoy

Ferguson, Gaver, Geller, Graves, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCurdy, Mellus, Murdock, Oxley, Rodgers, Rowe, Sherrard, Stewart, and Vineyard—29.

So the motion was carried.

Mr. Smith of Marin gave notice that he would, on to-morrow, move a re-consideration of the vote just taken.

The Chair decided the motion in order.

Mr. Ryland appealed from the decision of the Chair.

The question then being, shall the decision of the Chair stand as the decision of the House?

Messrs. Stevens, Wells, and Flournoy, demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Bates, Beatty, Brown of Contra Costa, Brown of Nevada, Cammet, Chase, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Doughty, Edwards, Farley, Ferrell, Flournoy, Foster, Gaver, Geller, Graves, Hosmer, Hunt, Johnson of El Dorado, Jones, Kinney, McCurdy, Mellus, Meredith, Murdock, Oxley, Quinn, Rodgers, Rowe, Sherrard, Smith of Marin, Stewart, Vineyard, Whitney, and Mr. Speaker—43.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Adkison, Bogardus, Boles, Brewton, Cory, Clayton, Gober, Lincoln, Moreland, Palmer, Phelps, Ryland, Stevens, Taliaferro, Watkins, Waite, and Wells—18.

The decision of the Chair was sustained.

On motion of Mr. Jones, Senate bill No. 92, An Act making appropriations to defray the ordinary expenses of the Government of this State, from the first day of February, A. D. 1855, to the first day of February, A. D. 1856, was taken up.

Committee amendments concurred in, and further amended.

The bill was then read third time and passed.

Mr. Ashley made the following report:

Mr. Speaker :

The Committee of Free Conference upon Assembly bill No. 217, report that they have agreed upon the following amendments to the bill:

First, Assembly concur in Senate amendment.

Second, Further amend the bill as follows: Strike out all after the word "in," in first line down to the word "he," in the third line, and insert the words "all the Counties of this State." Also, strike out all after the word "July," in the sixth line down to the word "from," in the tenth line.

D. R. ASHLEY,
Chairman Assembly Committee.
R. T. SPRAGUE,
Chairman Senate Committee.

Assembly bill No. 306, An Act to provide for the government of the State Prison.

Mr. Wells moved to indefinitely postpone the bill.

Mr. Flournoy moved a call of the House.

Upon which, Messrs. Flournoy, Smith of Marin, and McCurdy, demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Baker, Bates, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Chase, Coombs, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Edwards, Ferrell, Flournoy, Foster, Gaver, Hosmer, Hunt, Johnson of El Dorado, Jones, Kinney, McCurdy, Meredith, Oxley, Rowe, Saffard, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, and Vineyard—35.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Adkison, Beatty, Bogardus, Boles, Brown of Contra Costa, Clayton, Doughty, Gaylord, Gohier, Graves, Gragg, Johnson of San Francisco, Keys, Lincoln, McConnell, Mellus, Moreland, Murdock, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Singley, Updegraff, Watkins, Waite, and Wells—31.

Motion sustained

Roll called, and the following members were absent :

Messrs. Amyx, Cunningham of El Dorado, Farwell, Knox, McCutchan, and Whitney.

On motion, further proceedings under the call of the House be suspended.

Agreed to.

The question being on Mr. Wells' motion to indefinitely postpone the bill, Messrs. Wells, Stevens and Beatty demanded the ayes and noes.

Mr. Waite moved the previous question.

Sustained.

The question recurring on the motion of Mr. Wells to indefinitely postpone the bill, the following vote was taken :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Adkison, Beatty, Bogardus, Boles, Brown, of Contra Costa, Cory, Coombs, Cunningham of El Dorado, Gaylord, Geller, Gober, Graves, Gragg, Keys, Lincoln, McConnell, Mellus, Moreland, Murdock, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Singley, Smith, of El Dorado, Watkins, Waite and Wells—32.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Baker, Bates, Brewton, Brown, of Nevada, Buffum, Cammet, Chase, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Ferrell, Flournoy, Foster, Gaver, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCurdy, Meredith, Oxley, Rodgers, Rowe, Sherrard, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard and Mr. Whitney—40.

So the motion was lost.

Messrs. Beatty, Arrington and Smith, of Marin, demanded the ayes and noes, on the passage of the bill, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Baker, Bates, Brewton, Brown of Nevada, Buffum, Cammet, Chase, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas-Doughty, Edwards, Farley, Ferrell, Flournoy, Foster, Gaver, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCurdy, Meredith, Oxley, Rodgers, Rowe, Sherrard, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard and Whitney—40.

Those who voted in the negative were :

NOES.

Messrs. Andrews, Ashley, Adkison, Beatty, Bogardus, Boles, Brown of Contra Costa, Cory, Coombs, Cunningham of El Dorado, Gaylord, Geller, Gober, Graves, Gragg, Keys, Lincoln, McConnell, Mellus, Moreland, Murdock, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Watkins, Waite and Wells—32.

So the bill was passed.

Mr. Hosmer moved to re-consider the vote.

Mr. Arrington moved to indefinitely postpone the motion

Mr. Waite moved to adjourn.

Lost

Mr. Bates moved the previous question

The ayes and noes were demanded by Messrs. Douglas, Waite and Brown of Nevada, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Baker, Bates, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Cory, Chase, Clayton, Coombs, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Ferrell, Flournoy, Foster, Gaver, Geller, Graves, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Jones Kinney, Lincoln, McCurdy, Meredith, Oxley, Rodgers, Rowe, Stevenson, Sherrard, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard and Whitney—47.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Adkison, Beatty, Bogardus, Brown of Contra Costa, Cunningham of El Dorado, Gaylord, Gragg, Keys, McConnell, Moreland, Palmer, Phelps, Quinn, Ryland, Stevens, Watkins, Waite and Wells—20.

So the motion to re-consider was sustained.

Mr. Wells moved to adjourn.

The ayes and noes were demanded by Messrs Flournoy, Brown of Nevada, and McCurdy, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Beatty, Bogardus, Cory, Clayton, Gaylord, Keys, Lincoln, Moreland, Palmer, Waite and Wells—17.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Baker, Bates, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Cammet, Chase, Coombs, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Doughty, Edwards, Farley, Ferrell, Flournoy, Foster, Gaver, Graves, Gragg, Hosmer, Johnson of El Dorado, Kinney, McCurdy, Mellus, Meredith, Murdock, Oxley, Quinn, Rogers, Rowe, Ryland, Stevens, Stevenson, Sherrard, Smith of El Dorado, Smith of Marin Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Watkins and Whitney—46.

So the motion to adjourn was lost.

The question then recurred, on the motion of Mr. Arrington, to indefinitely postpone the motion to re-consider.

Agreed to.

Mr. Updegraff moved to take up Assembly bill No. 333, An Act to re-locate the County Seat of Yolo County by the qualified voters of said county.

Also Assembly bill No. 372, An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

Assembly bill No. 333 considered engrossed.

Read third time and passed.

Assembly bill No. 372.

Considered engrossed, read time and passed.

Assembly bill No. 299, An Act to prohibit the Sale or offering for Sale of Food injurious to Health.

Mr. Johnston of San Francisco moved the previous question.

Sustained.

The question then recurred on the engrossment.

The bill was ordered engrossed.

Assembly bill No. 199, An Act granting James L. Graves and Thomas C. Burton, and such others as they may associate with them, the right to construct a Toll Bridge across the American River, at or near the Mississippi Bar.

The bill was considered engrossed.

Read third time and passed.

Mr. Curtis moved to take up Assembly bill No. 95, An Act to authorize Hugh Slicer and others to construct a Wagon Road from Sacramento Valley to the Town of Yreka in Shasta Valley, and to regulate the Tolls to be collected on the same.

Not agreed to.

Assembly bill No. 325, An Act amendatory of an Act entitled an Act concerning Sheriffs, passed April 29, 1851.

Considered engrossed.

Read third time and passed.

Mr. Curtis moved to adjourn.

Lost.

Assembly bill No. 221, An Act confirming to the Bidwell Bridge Company the Right and License granted to said Company by the District Court in and for Butte County, to construct a Wire Suspension Bridge across Feather River at Bidwell, in Butte County, California.

Indefinitely postponed.

Assembly bill No. 330, An Act granting to Ed. H. Thomas and others the Right to construct a Toll-Bridge across the Tuolumne River.

Indefinitely postponed.

Assembly bill No. 311, An Act concerning Logs and Timber floated upon the Streams of this State.

Substitute adopted.

Considered engrossed.

Read third time and passed.

Assembly bill No. 236, An Act authorizing Wm. A. Mannally to construct a Turnpike or Gravel Road from the town of Shasta to the Canon House in Shasta County.

Indefinitely postponed.

Assembly bill No. 233, An Act authorizing Jonathan Williams and his Associates to construct a Turnpike Road in the County of Yolo.

Indefinitely postponed.

Assembly bill No. 205, An Act to authorize John Hoeker to keep a Public Ferry across Trinity River.

Indefinitely postponed.

Assembly bill No. 155, An Act to authorize Hiram D. Scott to construct a Wagon Road from the Town of Santa Cruz, to the Santa Clara Valley.

Indefinitely postponed.

Assembly bill No. 193, An Act concerning Passengers arriving in Ports of this State, who are ineligible to become citizens.

Assembly bill No. 202, An Act to regulate the Police of such Passengers arriving in Ports of this State, as are not capable of becoming citizens of the United States.

Mr. Johnston, of San Francisco, moved to make them the special order for Friday next, at 12 o'clock, A. M.

Agreed to.

Senate bill No. 124, An Act for the Relief of Jesse Sawyer.

Taken up.

Mr. Johnson, of El Dorado, moved to adjourn.

Not agreed to.

House resolved itself in Committee of the Whole to consider the bill, Mr. Kinney in the Chair.

Committee rose, reported, and were discharged.

Read third time and passed.

Senate bill No. 6, An Act for the Relief of John T. Hayes.

House resolved itself in Committee of the Whole, to consider the bill, Mr. Oxley in the chair.

Committee rose, reported, and were discharged.

Read third time and passed.

On motion of Mr. Flournoy, House adjourned at half-past three o'clock, P. M.

IN ASSEMBLY.

THURSDAY, April 26, 1855.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called, and all the members present, except those absent on leave.

The Journal of yesterday was read, amended, and approved.

Mr. Meredith, Chairman, made the following report:

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled An Act amendatory of and supplementary to an Act, passed April 16, 1855, entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, passed May 15, 1854.

H. B. MEREDITH,
Chairman.

Mr. Douglas verbally reported Senate bill No. 166, An Act to provide for Funding the outstanding Debt of the City of Oakland, and to prevent the creation of new debts by said city, and recommended its passage.

Mr. Gober made the following report:

Mr. Speaker:

The Library Committee, to whom was referred Assembly bill No. 365, report the same back with various amendments, and recommend its passage as amended.

W. R. GOBER,
Chairman.

Assembly bill No. 365, An Act to create the office of State Librarian, and to provide for the increase and preservation of the State Library, above reported, was placed on file.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }
Sacramento, April 26, 1855. }

To the Assembly of California.

An Act entitled "An Act granting to George M. Hanson, John C. Fall and Elizabeth E. Nabb the right to construct a wire suspension or lattice bridge, across Feather River above the Yuba River," is herewith returned to the House in which it originated, without approval.

I have heretofore, on several occasions during the present session, fully expressed my views as to the constitutionality of Acts similar to the one herewith returned, and it is, therefore, deemed unnecessary at this time to do more than respectfully refer you to the several messages heretofore transmitted by me, returning special Acts granting corporate privileges, and again commend them to your serious consideration.

Acts granting "corporate powers or privileges" which, in the absence of law, cannot be enjoyed by "individuals or partnerships," as before remarked, are by me believed to be in direct conflict with the thirty-first section of the fourth article of the Constitution.

There are, however, other objections to the Act herewith returned.

The first section authorizes the parties therein named to "build and construct a wire suspension bridge across the Feather River, above Yuba River, *within one mile of the junction of said Rivers*, and to collect toll for the period of twenty years."

It is well known that parties other than those named in the Act herewith returned have petitioned the Board of Supervisors of Yuba County for the privilege of establishing and maintaining a ferry within the "one mile" mentioned in the Act.

In fact two ferries have already been established, and a bridge erected within the mile, but the Act herewith returned contains no provision for the protection of the rights and interests of the owners of one of these ferries.

I am also informed that the owners of the bridge already erected, and the ferries now established, are engaged in a controversy before the Board of Supervisors of Yuba County, as to their respective rights, and should the law making

power thus interfere in a controversy in relation to the merits of which they cannot, possibly, in every respect, be fully advised, much inconvenience and serious injury, it is feared, would result, not only to those directly interested, but to the public at large.

JOHN BIGLER.

The question being, Shall the bill pass, notwithstanding the veto of the Governor? the following vote was taken:

Those who voted in the affirmative were—

AYES.

Messrs. Ashley, Adkison, Bates, Bogardus, Brown of Contra Costa, Cory, Coombs, Curtis, Douglas, Doughty, Foster, Geller, Gober, Johnston of San Francisco, Keys, McConnell, McCurdy, Meredith, Oxley, Palmer, Rowe, Stevenson, Sherrard, Taliaferro, Wells, Whitney, and Mr. Speaker—27.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Arrington, Baker, Beatty, Boles, Brewton, Brown of Nevada, Buke, Cammet, Clayton, Cook, Cunningham of El Dorado, Cunningham of Sierra, Farwell, Ferrell, Ferguson, Gragg, Hosmer, Hunt, Johnson of El Dorado, Jones, Kinney, McCutchan, Mellus, Moreland, Murdock, Phelps, Quinn, Ryland, Stevens, Stewart, Vineyard, Watkins, and Waite—35.

The bill was lost.

The following communication was received from the Surveyor General:

SURVEYOR GENERAL'S OFFICE, }
Sacramento, April 24, 1855. }

To the Hon. Assembly of the State of California:

In answer to a resolution passed by your honorable body on yesterday, I beg leave to state, that bills "specifying item by item," for which the contingent fund of this office has been expended, are filed in the Controller's office; but as copies have not been retained in this office, it is impossible for me to comply with the resolution.

I am, very respectfully,
Your obt. servant,

S. H. MARLETTE,
Surveyor General.

Mr. Amyx moved to lay it on the table.
Lost.

The following message was received from the Senate:

SENATE CHAMBER, April 25, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have, on this day, passed Senate bill No. 228, An Act for the settlement of the account of A. T. Melvin.

Respectfully submitted,

C. DICKINSON,
Secretary Senate.

Senate bill No. 228, An Act for the Settlement of the Account of A. T. Melvin.
Read first and second time.
Referred to Committee on Claims.

The following resolution was introduced by Mr. Phelps :

Resolved, That the Select Committee on the State Prison be requested to give up to the Assembly the testimony taken by them in making the examination into the affairs of the Prison.

Adopted.

Mr. Beatty moved to take up Senate bill No. 189, An Act appropriating Moneys for the Benefit of the Orphan Asylum of the City of San Francisco.

House resolved itself into Committee of the Whole, to consider the bill, Mr. Burke in the chair.

Committee rose, reported, recommended the passage of the bill, and were discharged.

House concurred in Committee recommendations.

The bill was passed.

Assembly bill No 316, An Act in relation to Escheats.

Mr. Johnston, of San Francisco, moved to re-commit, with instructions.

Mr. Edwards moved to lay on the table.

Agreed to.

Assembly bill No. 284, An Act to legalize acts of Courts of Sessions in certain Counties of this State, and for other purposes.

Indefinitely postponed.

Assembly bill No. 357, An Act to fund the Debt of the County of Yolo, and provide for the Payment of the same, which accrued from and after the first day of January, 1853, to the first day of April, 1855.

Considered engrossed,

Read third time and passed.

Assembly bill No. 150, An Act to authorize the Attorney General to prosecute Suits in the name of the State.

Substitute adopted.

Considered engrossed.

Read third time and passed.

Assembly bill No. 118, An Act to amend an Act entitled an Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850.

Mr. Amyx moved to consider the bill engrossed.

Lost.

Bill was then ordered engrossed.

Assembly bill No. 345, An Act to enforce the Collection of Claims against Per-

sons violating, or who have violated the Provisions of an Act entitled an Act to license Gaming, passed March 14, 1851.

Ordered engrossed.

Assembly bill No. 308, An Act to legalize Proceedings in the different Courts of this State which have been established by Act of the Legislature, with jurisdiction in cases of more than two hundred dollars.

Indefinitely postponed.

Senate bill No. 159, An Act to prevent the Counterfeiting of Gold Dust and other species of uncoined Gold.

Read third time and passed.

Assembly bill No. 133, An Act to encourage the Construction of a Railroad and Telegraph Line from the Bay of San Francisco to the Eastern Line of this State, with branches thereto.

Laid on the table.

The following messages were received from the Senate :

SENATE CHAMBER, April 26, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on yesterday, concur in the Assembly amendments to—

Senate bill No. 127, entitled An Act amendatory of an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, and also amendatory of An Act entitled an Act amendatory of and supplementary to an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, (passed April 29, 1851,) passed May 15, 1854.

Also, that the Senate concurred in the Assembly amendment to Senate amendment to Assembly bill No. 33, An Act concerning Lawful Fences.

Also, passed Assembly bill No. 18, entitled An Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same, with amendments as shown therein

Also, Assembly bill No. 256, entitled An Act to repeal an Act entitled an Act to regulate Rodeas, passed April 30, 1851, so far as the same relates to the County of Tulare.

Also, Assembly bill No. 315, An Act to separate the office of Collector of Taxes from the office of Sheriff in the County of Yuba.

Also, Assembly bill No. 382, An Act to change the Time of holding the County Court and Court of Sessions of the County of Calaveras, and to change the manner of summoning a Jury for the County Court of said County

Also, Assembly bill No. 174, An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854.

Respectfully submitted,

C. DICKINSON,
Secretary Senate.

SENATE CHAMBER, April 26, 1855.

Mr. Speaker :

I am directed to inform the Assembly, that the Senate have this day passed Assembly bill No. 123, An Act for the Relief of the State Agricultural Society.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Assembly bill No. 241, An Act to provide for the Construction of a Wagon Road from the Sacramento Valley to the Eastern Line of this State.

Mr Amyx moved to indefinitely postpone.

Messrs. Arrington, Cunningham of Sierra, and Kinney, demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Beatty, Bogardus, Brown of Contra Costa, Douglas, Foster, Geller, Gragg, Keys, McCurdy, Moreland, Palmer, Phelps, Quinn, Stevens, Smith of Marin, Taliaferro, Watkins, Wells—20.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Adkison, Bates, Brewton, Buffum, Burke, Cammet, Cory, Chase, Clayton, Coombs, Cunningham of Sierra, Curtis, Dana, Doughty, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gober, Hosmer, Hunt, Johnston of San Francisco, Kinney, McCutchan, Mellus, Murdock, Rodgers, Rowe, Stevenson, Taylor, Updegraff, Vineyard and Mr. Speaker—35.

So the motion was lost.

Mr. Arrington moved to consider the bill engrossed.

Not agreed to.

The bill was ordered engrossed.

Assembly bill No. 348, An Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851.

Considered engrossed.

Read third time and passed.

Mr. Moreland made the following report:

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed—
An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 21, 1851.

An Act to prohibit the Sale or offering for Sale of Food Injurious to Health.

An Act amendatory of an Act entitled an Act concerning Sheriffs, passed April 29, 1851.

An Act to re locate the County Seat of Yolo County, by the Qualified Voters of said County.

THOS. MORELAND,
Chairman.

Assembly bill No. 209, An Act to prohibit the Sale or offering for Sale of Food Injurious to Health.

Read third time and passed.

Senate bill No. 160, An Act to provide for the Purchase of the San Francisco Law Library for the Use of the State.

House resolved itself into Committee of the Whole to consider the bill, Mr. Buffum in the chair.

Committee rose, reported and were discharged.

Messrs. Stevenson, Hosmer and Arrington demanded the ayes and noes, on its passage, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Adkison, Bates, Beatty, Bogardus, Brown of Nevada, Buffum, Burke, Cammet, Clayton, Covarrubias, Curtis, Dana, Douglas, Dougherty, Edwards, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gober, Hosmer, Johnston of San Francisco, Lincoln, McCurdy, Murdock, Rodgers, Rowe, Sherard, Smith of Marin, Taliaferro, Taylor, Vineyard, Waite, and Mr. Speaker—36.

Those who voted in the negative were—

NOES.

Messrs. Brewton, Brown of Contra Costa, Cory, Cunningham of El Dorado, Cunningham of Sierra, Foster, Gaylord, Geller, Hunt, Kinney, McCutchan, McConnell, Oxley, Palmer, Phelps, Quinn, Ryland and Stevenson—18.

So the bill passed.

According to notice, Mr Smith of Marin moved to re-consider the vote by which Senate bill No. 149, An Act to prohibit Public Gambling, was indefinitely postponed, on yesterday, which the Chair decided in order.

Mr. Gober appealed from the decision of the Chair.

The Speaker stated to the House that his decision was based upon its action yesterday. That the Assembly having decided that Mr. Smith of Marin could leave his notice of re-consideration entered upon the Journal, he (the Speaker) felt instructed to entertain the motion, at the same time claiming that the notice was improperly entered upon the Journal.

Mr. Gober appealed from the decision of the Chair and moved a call of the House.

Motion lost.

The question being, Shall the decision of the Chair stand as the decision of the House?

Messrs. Waite, Bogardus and Stevens demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Bates, Brown of Nevada, Buffum, Cammet, Chase, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Ferrell, Flournoy, Ferguson, Gaver, Geller, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCurdy, Mellus, Murdock, Oxley, Rodgers, Rowe, Sherrard, Smith of Marin, Stewart and Vineyard—32.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Adkison, Baker, Beatty, Bogardus, Boles, Brown of Contra Costa, Cory, Clayton, Coombs, Dana, Edwards, Farwell, Foster, Gaylord, Gober, Gragg, Keys, Lincoln, McCutchan, McConnell, Moreland, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Taylor, Watkins, Waite, Wells and Whitney—34.

So the Chair was not sustained.

The following message was received from the Senate:

SENATE CHAMBER, April 26, 1855.

Mr. Speaker :

I am directed to inform the Assembly, that the Senate have concurred in the Assembly amendments to Assembly bill No. 92, entitled An Act making Appropriations to defray the Ordinary Civil Expenses of the Government of this State, from the first day of February, A. D. 1855, to the first day of February, A. D. 1856.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Mr. Meredith offered the following resolution :

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled—

An Act supplementary to and amendatory of An Act entitled an Act to provide for the Sale of the Interest of the State of California in the Property within the Water Line Front of the City of San Francisco, as defined in and by

the Act entitled An Act to provide for the Disposition of certain Property of the State of California, (passed March 26, 1851,) passed May 18, 1853.

H. B. MEREDITH,
Chairman.

Assembly bill No. 337, An Act directing the manner in which the money due this State from the General Government on the Indian War Claims shall be applied.

Indefinitely postponed.

Assembly bill No. 24, An Act to authorize ——— to construct a Wagon Road from San Bernardino to Stockton *via* Los Angeles and Tejon Pass.

Indefinitely postponed.

Assembly bill No. 265, An Act to establish the Salaries of the Judges of the Thirteenth, Fourteenth, and Fifteenth Judicial Districts, and to define the times of holding Courts in said Districts.

Amended, read third time, and passed.

Senate bill No. 14, An Act providing for the payment of Officers holding Elections, and for transmitting returns thereof.

Committee amendments adopted and further amended.

Read third time and passed.

Assembly bill No. 18, An Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same

Mr. Ashley moved that a Committee of Conference be appointed.

Agreed to.

Messrs. Ashley, Gober, and Farwell, the Committee.

The following message was received from the Senate:

SENATE CHAMBER, April 26, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have passed the following bills:

Senate bill No. 234, An Act to provide for the payment of the Salary of the District Attorney of the County of San Francisco.

Senate bill No. 235, An Act supplemental to an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 21, 1855.

Also passed proposed amendment to Section three Article eleven of the Constitution of the State of California.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Senate bill No. 234, An Act to provide for the payment of the Salary of the District Attorney of the County of San Francisco

Read first and second time, and referred to San Francisco delegation.

Senate bill No. 235, An Act supplemental to an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 20, 1855.

Read first, second and third time, and passed.

Proposed amendment to Section third Article eleven of the Constitution of the State of California.

Read first and second time, and referred to Committee on Vice and Immorality.

Mr. Flournoy introduced a bill for An Act to authorize the Controller of State to issue a duplicate War Loan Warrant

Read first and second time, and referred to Committee on Accounts and Expenditures

Senate bill No. 84, An Act to amend an Act for the Government and Protection of Indians, passed April 22, 1850.

Read first and second time.

Mr. Hosmer moved to indefinitely postpone the bill.

Lost.

Messrs. Hosmer, Brewton, and Stevens, demanded the ayes and noes on the passage of the bill, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Ashley, Baker, Beatty, Brown of Nevada, Cory, Clayton, Coombs, Covarrubias, Doughty, Gaylord, Geller, Gober, Jones, McCutchan, McConnell, Mellus, Moreland, Murdock, Palmer, Ryland, Stevens, Singley, Taliaferro, Taylor, Waite, Wells, and Mr. Speaker—29.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Brewton, Chase, Cunningham of Sierra, Douglas, Foster, Gaver, Gragg, Hosmer, Keys, Kinney, Meredith, Sherrard, and Watkins—14.

So the bill was passed.

Mr. Hosmer offered the following amendment to the title of the bill:

“An Act authorizing Indians to be sworn as Witnesses against White Men in certain cases.”

Lost.

Mr. Singley gave notice that he would, on to-morrow, move a re-consideration of the vote by which the bill was passed.

Senate bill No. 57, An Act to cede certain Property to the city of Benicia.

Mr. Andrews moved to indefinitely postpone the bill.

Mr. Ryland moved to lay on the table.

Agreed to.

Mr. Meredith made the following report:

Mr. Speaker:

The Joint Committee on Enrollment presented to Governor Bigler, for his approval, this day—

An Act amendatory of and supplementary to an Act passed April 16, 1855, entitled an Act to amend an Act entitled an Act amendatory of and supple-

mentary to an Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, passed May 15, 1854; also,

An Act supplementary to and amendatory of an Act entitled an Act to provide for the Sale of the Interest of the State of California in the Property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, (passed March 26, 1851,) passed May 18, 1853.

H. B. MEREDITH,
Chairman.

The following message was received from the Senate:

SENATE CHAMBER, April 26, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 231, entitled an Act supplementary to an Act to incorporate the City of Marysville; also,

Senate bill No. 230, An Act for the relief of James Austen, by his agent, Benj. S. Lippincott; also,

Senate bill No. 196, An Act supplementary to an Act entitled an Act to regulate Fees in Office, passed March 30, 1855.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Senate bill No. 231, An Act supplementary to an Act entitled an Act to incorporate the City of Marysville.

Read first, second, and third time, and passed.

Senate bill No. 220, An Act for the relief of James Ansten, by his agent, Benj. S. Lippincott.

Read first and second time, and referred to Committee on Claims.

Senate bill No 196, An Act supplementary to an Act entitled an Act to regulate Fees in Office, passed March 30, 1855.

Read first and second time and referred to Judiciary Committee.

Assembly bill No. 174, An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854.

Senate amendments concurred in.

Assembly bill No. 70, An Act to prohibit the Selling or Disposing of Intoxicating Liquors to Indians within the County of Tulare.

Indefinitely postponed.

Senate bill No. 115, An Act concerning the Enrollment of Steamboats and other Vessels.

Read third time and passed.

Senate bill No 137, An Act to amend the Thirty-first Section of an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1854.

Indefinitely postponed.

Mr Arrington moved to suspend the Rules, to introduce a resolution.

Not agreed to.

Assembly bill No. 222, An Act to amend an Act entitled an Act for the Relief of Insolvent Debtors and Protection of Creditors, passed May 4, 1852.

Considered engrossed, read third time and passed.

Assembly bill No. 360, An Act to authorize John Vance, and such others as he may associate with, to build a Wharf at Eureka, Humboldt County.

Ordered engrossed.

Assembly bill No. 321, An Act concerning Public Ferries and Toll Bridges.

Indefinitely postponed.

Assembly bill No. 215, An Act to amend an Act to regulate Proceedings in Civil Cases in Courts of Justice of this State, passed April 29, 1851.

Considered engrossed, read third time and passed.

Mr. Curtis moved to take from the file Assembly bill No. 95, An Act to authorize Hugh Slicer and others to construct a Wagon Road from Sacramento Valley to the Town of Yreka, in Shasta Valley, and to regulate the Tolls to be collected on the same.

Agreed to.

Committee amendments adopted.

Considered engrossed, read third time and passed.

Mr. Ashley introduced the following resolution:

Resolved, That five hundred copies of the amendments to the Revenue Act passed at this session, be printed for the use of the members of this House.

Read and adopted.

Mr. Hunt offered the following resolution :

Resolved, That the State Printer be directed to print, in pamphlet form, 500 copies of the Act concerning the Organization of the Militia, to be delivered to the Quartermaster and Adjutant General.

Lost.

Mr. Wells offered the following resolution :

Resolved, That the Controller of State be requested to inform the Assembly, on to-morrow, what County Treasurers, if any, have settled their accounts with the State since the 1st day of April, 1855, and if none have done so, the reasons why, if he is in possession of them, they have not.

Mr. Flourney moved to lay the resolution on the table.

Lost.

Resolution adopted.

Mr. Arrington offered a concurrent resolution relative to the establishing of a Bell Buoy at Crescent City Bay, in Klamath County.

Mr. Smith, of Murin, moved the previous question.

Sustained.

Resolution adopted.

Mr. Johnston, of San Francisco, offered the following resolution :

Resolved, That the use of the Assembly Hall be allowed to the State Agricultural Convention, this evening, at 8 o'clock.

Assembly bill No. 344, An Act granting to Horace Cole and Frank F. Fargo, or their assigns, the privilege of laying Water Pipes across the Bay of San Francisco. Indefinitely postponed.

Assembly bill No. 189, An Act for the Suppression of Immoral Assemblages.

Substitute adopted by the Committee, adopted

Considered engrossed, read third time and passed.

Assembly bill No. 346. An Act to amend an Act entitled an Act to authorize the Formation of Corporations for the Construction of Plank or Turnpike Roads, passed May 12, 1853.

Considered engrossed, read third time and passed.

Mr. Meredith made the following report.

Mr. Speaker:

The Joint Committee on Enrollment have examined and find correctly enrolled—
An Act for the Relief of the State Agricultural Society.

H. B. MEREDITH,
Chairman.

Senate bill No 83, a bill for An Act to declare the Tenure of Lands in the Mining Districts of this State, and Assembly bill No. 194, An Act declaring Mining Claims to be Personal Property, and exempt them from Forced Sales in certain cases.

Substitute adopted

Mr. Andrews moved to strike out all relative to the exemption from execution of one mining claim

Messrs. Stevenson, Brown of Nevada, and Curtis demanded the ayes and noes, on the motion of Mr Andrews to strike out, with the following result.

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Adkison, Boles, Burke, Cory, Clayton, Cunningham of Sierra, Ferguson, Gragg, Johnson of El Dorado, McConnell, Mellus, Meredith, Morland, Palmer, Quinn, Stevens, Stewart, Taliaferro, Updegraff and Waite—21.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Ashley, Baker, Bates, Beatty, Bogardus, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Coombs, Covarrubias, Curtis, Ferrell, Flournoy, Foster, Gaylord, Hosmer, Jones, Kinney, McCutchan, McCurdy, Murdock, Oxley, Phelps, Rodgers, Rowe, Stevenson, Smith of El Dorado, Smith of Marin, Watkins, Wells and Whitney—22.

Not agreed to

Pending which consideration of amendments, on motion Mr Amyx, House adjourned at 4 o'clock, P. M.

IN ASSEMBLY.

FRIDAY, April 27, 1855.

House met pursuant to adjournment.

The Speaker in the Chair.

Roll called, and the following members were absent:

Messrs. Covarrubias, Cook, Graves and Knox

On motion, Mr. Cook was granted leave for one day.

The Journal of yesterday was read and approved.

Mr. Douglas offered the following resolution:

Resolved, That the House approve of the Select Committee of eleven upon Assembly bill No. 262, entitled An Act to create three States out of the Territory of the State of California.

Mr. Buffum moved the previous question.

Sustained.

Messrs Phelps, Wells and Amyx demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Baker, Bates, Brown of Nevada, Buffum, Clayton, Curtis, Douglas, Doughty, Edwards, Flourney, Ferguson, Geller, Hosmer, Hunt, Johnston of San Francisco, Jones, Kinney, Lincoln, McCutchan, Mellus, Meredith, Murdock, Rowe, Smith of Marin, Stewart, Taliaferro, Updegraff, Watkins, Wells and Mr. Speaker—32.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Adkison, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Burke, Cory, Cook, Covarrubias Cunningham of El Dorado, Dana, Farley, Foster, Gaver, Gaylord, Gober, Gragg, Keys, McConnell, McCurdy, Moreland, Oxley, Palmer, Phelps, Quinn, Ryland, Stevens, Stevenson, Sherrard, Smith of El Dorado, Taylor, Vineyard and Waite—35.

So the resolution was lost

Mr. Ryland moved to re-consider the vote just taken.

Mr. Buffum moved to suspend the rules, and print 3000 copies.

Agreed to.

Special order, Assembly bill No. 299, An Act to prohibit the sale, or offering for sale, of food injurious to health; and

Assembly bill No. 193, An Act concerning Passengers arriving in Ports of this State, who are ineligible to become citizens;

And Senate bill on the same subject.

Mr. Buffum moved to make special order for seven o'clock, this evening.

Upon which, Messrs. Buffum, Brown of Nevada, and Stevenson demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Adkison, Baker, Bates, Brown of Contra Costa, Buffum, Cammet, Coombs, Cunningham of Sierra, Dana, Douglas, Doughty, Farwell, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Keys, Kinney, Lincoln, McCutchan, Palmer, Rodgers, Smith of Marin, Taylor, Updegraff, Vineyard, Wells, Whitney and Mr. Speaker—30.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Ashley, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Cory, Chase, Cook, Cunningham of El Dorado, Farley, Flournoy, Foster, Ferguson, Gaver, Geller, Gober, Gragg, McConnell, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Quinn, Rowe, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Stewart, Taliaferro, Watkins and Waite—40.

So the motion was lost.

Mr. Beatty moved to lay temporarily on the table.

Agreed to.

On motion, the rules were suspended on printing three thousand copies of the report on the division of the State.

Mr. Ashley moved the previous question.

Sustained.

The motion to print three thousand copies was agreed to.

Mr. Moreland made the following report:

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed—

An Act to authorize the Prosecution of Suits in the name of the State of California, to recover Lands belonging to the State, and held adversely by other Persons; also,

An Act amendatory of an Act supplementary to an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851; also,

An Act to fund the Debt of the County of Yolo and provide for the Payment of the same, which accrued from and after the first day of January, 1853, to the first day of April, 1855; also,

An Act to amend an Act entitled an Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850; also,

An Act concerning Logs and Timber floated upon Streams of this State; also,

An Act to enforce the Collection of Claims against Persons violating, or who have violated the Provisions of an Act entitled an Act to license Gaming, passed March 14, 1851; also,

An Act granting James L. Graves and Thos. C. Burton, and such others as they may associate with them, the Right to construct a Toll Bridge across the American River, at or near Mississippi Bar; also,

An Act to establish the Salaries of the Judges of the 13th, 14th and 15th Judicial Districts, and to define the time of holding Courts in said Districts; and also,

An Act to provide for the Construction of a Wagon Road from the Valley of the Sacramento to the Eastern Line of this State.

THOS. MORELAND,

Chairman.

Mr. Meredith made the following reports:

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled—

An Act to provide for the Ascertainment of the Indebtedness of Calaveras County prior to the Organization of Amador County, and provide for the Payment of that portion due from Amador County to the County of Calaveras; also,

An Act to amend an Act entitled an Act to provide for the Construction of a Canal from Tulare Lake to the Waters of the San Joaquin; also,

An Act for securing the Liens to Mechanics and others; also,

An Act supplementary to and amendatory of an Act entitled an Act concerning Conveyances, passed April 16, 1850; also,

An Act to provide for the Disposal of Lots in the Towns or Villages on the Public Lands in the County of Humboldt; also,

An Act supplementary to and amendatory of an Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of a like character, passed April 10, 1855; also,

An Act to amend an Act regulating Elections, passed March 23, 1850; also,

An Act amendatory of and supplementary to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850; also,

Assembly concurrent resolution relative to a Light and Bell Buoy at the Entrance to the Harbor of San Francisco; also,

Assembly concurrent resolution relative to a Military Road from the Sacramento Valley to Crescent City, *via* Shasta Valley; also,

An Act concerning Lawful Fences, also,

An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, passed May 15, 1854, also,

An Act to separate the office of Collector of Taxes from the office of Sheriff in the County of Yuba; also,

An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854, also,

An Act to change the Time of holding the County Court and Court of Sessions of the County of Calaveras, and to change the Manner of Summoning a Jury for the County Court of said County; also,

An Act to repeal an Act entitled an Act to regulate Rodeas, passed April 30, 1851, so far as the same relates to the County of Tulare.

H. B. MEREDITH,
Chairman.

Mr. Speaker:

The Joint Committee on Enrollment presented to Governor Bigler for his approval, yesterday—

An Act for the Relief of the State Agricultural Society.

H. B. MEREDITH,
Chairman.

April 27, 1855.

Mr. Johnston, of San Francisco, moved to make Assembly bill 292, An Act to regulate the Police of such Passengers arriving in Ports of this State, as are not capable of becoming Citizens of the United States, and Assembly bill No. 193, An Act concerning Passengers arriving in Ports of this State, who are ineligible to become Citizens, special order for to-morrow, at 11 o'clock, A. M.

Messrs Stevenson, Amyx and Phelps demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Baker, Bates, Beatty, Brewton, Cammet, Cory, Chase, Cook, Edwards, Ferguson, Gaver, Gober, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, Mellus, Murdock, Palmer, Taylor, Updegraff, Watkins, and Mr. Speaker—27.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Bogardus, Brown of Nevada, Clayton, Coombs, Cunningham of El Dorado, Farley, Farwell, Foster, Gragg, McConnell, McCurdy, Meredith, Phelps, Quinn, Rodgers, Rowe, Stevens, Stevenson, Sherrard, Smith of El Dorado, Tahafferro and Waite—23.

So the motion was carried.

Assembly bill No. 18, An Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same.

House refused to concur in Senate amendment to Sec. 22.

Also House refused to concur in Senate amendment to Sec. 34.

The following message was received from the Senate :

SENATE CHAMBER, April 26, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on yesterday, pass Senate bill No. 170, An Act to discourage the Immigration to this State of Persons who cannot become citizens thereof.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Senate bill No. 171, An Act to discourage the Immigration to this State of Persons who cannot become citizens thereof.

Read first and second time, and made special order for to-morrow, at 11 o'clock.

The following message was received from the Senate:

SENATE CHAMBER, April 26, 1855.

Mr. Speaker :

I am directed to inform the Assembly, that the Senate have passed Senate bill No. 199, An Act to appropriate Money to enable the Trustees of the Insane Asylum to build a dining room, bath house and kitchen, also to purchase furniture for the main building of the same.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

The following message was received from the Senate:

SENATE CHAMBER, April 27, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate this day passed Assembly bill No. 352, An Act to establish a Permanent Boundary Line between the Counties of Stanislaus and Tuolumne, with amendments as therein shown; also,

Assembly bill No. 363, An Act to purchase the Portrait of Major General John A. Sutter, with amendments thereto; also,

Assembly bill No. 374, An Act supplementary and amendatory of an Act entitled an Act to provide for the Settlement of the Affairs of the State Marine Hospital, at San Francisco, and to dispose of the Property belonging to the same, with amendments; also,

Assembly bill No. 229, An Act to fix the Compensation of District Attorneys for the several Counties of this State.

All of which is respectfully submitted,

C. DICKINSON,
Secretary Senate.

Assembly bill No. 374, An Act supplementary to and amendatory of an Act entitled an Act to provide for the Settlement of the Affairs of the State Marine Hospital, at San Francisco, and to dispose of the Property belonging to the same, passed April 16, 1855.

Senate amendments concurred in.

Assembly bill No. 363, An Act to purchase the Portrait of Major General John Augustus Sutter.

Senate amendments concurred in.

The following communication was received from Mr. Jewett:

SACRAMENTO, April 27th.

HON. W. W. STOW, *Speaker of Assembly,*

SIR:

The Senate, on last evening, passed the Assembly bill appropriating twenty-five hundred dollars for the purchase of the portrait of General Sutter, with an amendment requesting me to furnish the Legislature with a portrait of General Wool, which request I cheerfully acquiesce in, and hereby agree to furnish the same during the year 1855, without any further compensation from the State than the appropriation of twenty-five hundred dollars already made for the purchase of General Sutter's portrait.

W. F. JEWETT.

Assembly bill No. 352, An Act to establish a Permanent Boundary Line between the Counties of Stanislaus and Tuolumne.

Mr. Amyx offered the following proviso to Section 1:

Provided, That no person shall be allowed to vote at the election specified in this Section who was not a resident of the disputed territory on the passage of this Act.

Lost.

Mr. Rowe moved the previous question.

Sustained.

Messrs. Oxley, Quinn and Amyx demanded the ayes and noes, on concurring in Senate amendments, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Baker, Bogardus, Chase, Farley, Ferguson, Hosmer, McCurdy, Oxley, Quinn, Sherrard and Taliaferro—12.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Bates, Beatty, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Cammet, Cory, Clayton, Coombs, Cook, Covarrubias, Dana,

Douglas, Edwards, Farwell, Flournoy, Gaylord, Geller, Johnson of El Dorado, Johnston of San Francisco, Keys, McConnell, Moreland, Palmer, Phelps, Rodgers, Rowe, Stevens, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taylor, Watkins, Waite, Wells, and Mr. Speaker—39.

So the House refused to concur.

On leave, Mr. Wells made the following report:

Mr. Speaker :

The Joint Select Committee of the Senate and Assembly, appointed to examine and destroy the evidences of indebtedness redeemed and cancelled by the State Treasurer heretofore, beg leave to report that the following sums were placed in the hands of said Committee by S. A. McMeans, State Treasurer, and the same were destroyed by fire during the month of April, A. D. 1855.

Civil Bonds of 1852.

Forty-nine of \$500 each, signed by John Bigler.....	\$24,500 00
Forty-six of \$1,000 " signed by Do	46,000 00

War Bonds of 1852.

Twelve of \$250 each, signed by John Bigler.....	3,000 00
Seventy-two of \$100 each, signed by Do.....	7,200 00
Eighteen of \$500 each, signed by Do.....	9,000 00

Twelve per cent. War Bonds of 1852.

Two hundred and seventy-nine of \$1,000 each, signed by John McDougal.....	279,000 00
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Civil Bonds of 1851.

Five of \$500 each, signed by John McDougal.....	2,500 00
Three of \$500 each, signed by John Bigler.....	1,500 00

Civil Bonds of 1852.

Eight of \$500 each, signed by John Bigler.....	4,000 00
Nine of \$1,000 each, signed by Do.....	9,000 00

War Bonds of 1852.

Sixty-eight of \$1,000, signed by John Bigler.....	68,000 00
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Temporary State Loan Bonds.

Seven of \$1,000, signed by John Bigler.....	7,000 00
Four of \$500 each, signed by Do.....	2,000 00
Four of \$225 each, signed by Do.....	900 00

Amount of warrants redeemed (examined and destroyed)	1,023,916 76
Amount of bonds issued under Act of April, 1851 (ex. and dest.)...	17,500 00
Temporary State Loan Bonds.....	325 00
War Warrants redeemed (examined and destroyed).....	41,973 35
Redeemed Warrants Board of Education (examined and destroyed).....	90,690 01

\$1,636,005 12

Defaced Land Warrants: five of 160 acres each, ten of 320 acres each, also Land Warrants signed and not issued, twenty-nine of 160 acres each, examined and destroyed.

Amount of redeemed Coupons, Bonds, Warrants, &c., remaining in the Treasury, not examined or destroyed: Of Coupons, \$15,000; Temporary State Loan Bonds, 2 or \$300,000; State Prison Bonds, \$100,000; State Bonds of 1851, \$100,000; Warrants, \$3,000,000.

The Committee further recommend, that the Governor and Secretary of State be empowered and instructed to examine, or cause to be examined by some competent person or persons, and superintend the destruction of the above remaining evidences of State indebtedness.

All of which is respectfully submitted.

THOS. KENDALL,
Chairman Senate Committee.

THOMAS WELLS,
THOS. J. OXLEY,
WILLIAM COREY,
House Committee.

The following message was received from the Senate:

SENATE CHAMBER, April 27, 1855.

Mr. Speaker:

I am directed to inform the Assembly that the Senate have refused to concur in Assembly amendments to section 5 of Senate bill No. 39, An Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852, and have appointed Messrs. Hawks and —, as a Committee of Free Conference, and ask the appointment of a similar committee on the part of the House.

Also, concurred in Assembly amendment to Senate bill No. 216, An Act amendatory of an Act entitled an Act dividing the State into Counties, and establishing Seats of Justice therein, approved April 25, 1851.

Also, Senate bill No. 230, An Act to consolidate the City and County of San Francisco, and to provide for their Local Government; also,

Senate bill No. 212, An Act to provide for Funding the Floating Debt of the City of Marysville, and for the extinguishment thereof.

C. DICKINSON,
Secretary of Senate.

Senate bill No. 212, An Act to provide for Funding the Floating Debt of the City of Marysville, and for the extinguishment thereof.

Read first, second and third time and passed.

Senate bill No. 230, substitute for Senate bill 211, entitled an Act to consolidate the City and County of San Francisco, and to provide for their Local Government.

Read first and second time.

Mr. Buffum moved to indefinitely postpone.

Mr. Stevenson moved the previous question.

Upon which Messrs. Cammet, Buffum and Whitney demanded the ayes and noes with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Adkison, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cory, Clayton, Cook, Dana, Douglas, Doughty, Farwell, Foster, Ferguson, Gaylord, Geller, Gober, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Kinney, Lincoln, McCutchan, McConnell, Mellus, Moreland, Oxley, Palmer, Phelps, Rodgers, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Tahaferro, Taylor, Updegraff, Vineyard, Waite, Wells, Whitney—51.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Ashley, Cammet, Farley, McCurdy, Quinn, Sherrard, Watkins and Mr. Speaker—10.

So the bill was indefinitely postponed.

Mr. Stevenson moved a re-consideration.
Not agreed to.

The following message was received from the Senate :

SENATE CHAMBER, April 27, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on this day, pass Assembly bill No. 170, An Act concerning Roads and Highways, with amendments as shown therein

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Assembly bill No. 170, An Act concerning Roads and Highways.
Senate amendments concurred in.

The following messages were received from the Senate :

SENATE CHAMBER, April 27, 1855.

Mr. Speaker .

I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 119, An Act to provide for the Payment of State Prison Inspectors ; also,
Assembly bill No. 265, An Act to establish the Salaries of the Judges of the

Thirteenth, Fourteenth and Fifteenth Judicial Districts, and to define the time of holding Courts in said Districts, with an amendment as therein shown.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

SENATE CHAMBER, April 27, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have passed Assembly bill No. 88, An Act to provide for the Sale of the Swamp and Overflowed Lands belonging to this State, with amendments as therein shown.

Respectfully submitted,

C. DICKINSON,
Secretary Senate.

Senate bill No. 119, An Act to provide for the Payment of State Prison Inspectors.

Read first and second time. and referred to Committee on Claims.

Assembly bill No. 265, An Act to establish the Salaries of the Judges of the Thirteenth, Fourteenth and Fifteenth Judicial Districts, and to define the Times of holding Courts in said Districts.

Senate amendments concurred in.

Assembly bill No. 88, An Act to provide for the Sale of the Swamp and Overflowed Lands belonging to this State.

Senate amendments concurred in.

Senate bill No. 166, An Act to provide for Funding the Outstanding Debt of the City of Oakland, and to prevent the creation of new debts of said City.

Read third time and passed.

Assembly bill No. 118, An Act to amend an Act entitled an Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850.

Read third time.

Mr. Murdock moved to re-commit to Special Committee of two, with instructions to report immediately.

Agreed to

Committee—Messrs. Murdock and Ashley.

Mr. Meredith made the following reports :

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled—

An Act supplemental to and amendatory of an Act to provide for the Settlement of the Affairs of the State Marine Hospital at San Francisco, and to dispose of the Property belonging to the same, passed April 16, 1855 ; also,

An Act to purchase the portrait of Major General John Augustus Sutter, and to provide for taking the portrait of Major General John E. Wool, U. S. A.

H. B. MEREDITH,
Chairman.

Mr. Speaker :

The Joint Committee on Enrollment presented to Governor Bigler for his approval, this day—

An Act to provide for the Ascertainment of the Indebtedness of Calaveras County prior to the Organization of Amador County, and provide for the Payment of that portion due from Amador County to the County of Calaveras ; also,

An Act to amend an Act entitled an Act to provide for the Construction of a Canal from Tulare Lake to the Waters of the San Joaquin , also,

An Act for securing the Liens to Mechanics and others ; also,

An Act supplementary to and amendatory of an Act entitled an Act concerning Conveyances, passed April 16, 1850 ; also,

An Act to provide for the Disposal of Lots in the Towns or Villages on the Public Lands in the County of Humboldt ; also,

An Act supplementary to and amendatory of an Act to prohibit Lotteries, Raffles, Gift Enterprises and other Schemes of a like character, passed April 10, 1855 ; also,

An Act to amend an Act regulating Elections, passed March 23, 1850 , also,

An Act amendatory of and supplementary to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850 , also,

Assembly concurrent resolution relative to a Light and Bell Buoy at the entrance to the Harbor of San Francisco ; also,

Assembly concurrent resolution relative to a Military Road from the Sacramento Valley to Crescent City, *via* Shasta Valley ; also,

An Act concerning Lawful Fences . also,

An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, passed May 15, 1854 ; also,

An Act to separate the office of Collector of Taxes from the office of Sheriff in the County of Yuba ; also,

An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854 ; also,

An Act to change the Time of holding the County Court and Court of Sessions of the County of Calaveras, and to change the manner of summoning a Jury for the County Court of said County ; also,

An Act to repeal an Act entitled an Act to regulate Rodeas, passed April 30, 1851, so far as the same relates to the County of Tulare.

H. B. MEREDITH,

Chairman.

Mr. Ashley verbally reported Assembly bill No. 118, An Act to amend an Act entitled an Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850.

On the passage of the bill, Messrs. Ryland, Brown of Nevada, and Arrington demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Adkison, Boles, Brewton, Buffum, Cammet, Cory, Clayton, Curtis, Douglas, Doughty, Edwards, Farley, Farwell, Ferguson, Gaylord, Geller, Gragg, Hosiner, Hunt, Johnson of El Dorado, Johnston of San Francisco, Kinuey, McConnell, Mellus, Meredith, Moreland, Murdock, Palmer, Rodgers, Stevenson,

Sherrard, Smith of Marin, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Waite, and Mr Speaker—41.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Ashley, Bates, Beatty, Bogardus, Brown of Contra Costa, Brown of Nevada, Burke, Coombs, Flournoy, Foster, Gober, Keys, McCutchan, McCurdy, Phelps, Quinn, Ryland, Stevens, Singley and Smith of El Dorado—23.

So the bill was passed.

Mr. Stevenson gave notice of re-consideration on to-morrow.

Mr Flournoy moved to take up Assembly bill No. 383, An Act to authorize the Controller of State to issue a duplicate War Loan Warrant.

Agreed to

Considered engrossed, read third time and passed.

Assembly bill No. 345, An Act to enforce the Collection of Claims against persons violating, or who have violated the Provisions of an Act entitled an Act to license Gaming, passed 14, 1851.

Read third time and passed.

Assembly bill No. 241, An Act to provide for the Construction of a Wagon Road from the Sacramento Valley to the Eastern Line of this State.

Read third time

Messrs Rowe, McCutchan and Farwell demanded the ayes and noes on the passage of the bill, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Adkison, Bates, Brewton, Buffum, Burke, Clayton, Coombs, Curtis, Doughty, Farwell, Ferguson, Hosmer, Hunt, Johnson of El Dorado, Kinney, McCutchan, McConnell, Mellus, Meredith, Murdock, Rowe, Taylor, Updegraff, Waite, and Mr. Speaker—26.

Those who voted in the negative were :

NOES.

Messrs. Andrews, Amyx, Beatty, Bogardus, Brown of Contra Costa, Brown of Nevada, Cory, Chase, Covarrubias, Douglas, Edwards, Farley, Gober, Gragg, Keys, McCurdy, Moreland, Oxley, Palmer, Phelps, Quinn, Ryland, Stevens, Singley, Stewart, Taliaferro, Vineyard and Watkins—28.

So the bill was lost.

Mr. Edwards gave notice of re-consideration on to-morrow.

Assembly bill No. 145, An Act to amend an Act entitled an Act concerning the office of Public Administrator and making it elective, passed April 15, 1851; and Assembly bill No. 331, An Act requiring Public Administrators in each of the Counties of this State to pay over all Moneys and Funds within their hands to the

State Treasurer, under oath, belonging to the Estates of Deceased Persons, which has not been cared for by Heirs of the Deceased.

Substitute adopted, considered engrossed, read third time and passed.

Senate bill No 201, An Act to facilitate the Exposure of the Perpetrators of Certain Frauds alleged to have been committed in the City of San Francisco.

Mr Farwell moved to indefinitely postpone the bill.

Messrs. Buffum, Cammet and Douglas demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Ashley, Adkison, Baker, Brown of Contra Costa, Brown of Nevada, Buffum, Cammet, Cory, Coombs, Covarrubias, Doughty, Edwards, Farley, Farwell, Gober, Gragg, Hosmer, Hunt, Keys, Kinney, McCutchan, Mellus, Moreland, Murdock, Phelps, Quinn, Ryland, Stevens, Taylor, Watkins and Waite—32.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Beatty, Bogardus, Boles, Burke, Clayton, Cunningham of El Dorado, Curtis, Douglas, Flournoy, Ferguson, Gaylord, Johnson of El Dorado, Johnston of San Francisco, McCurdy, Oxley, Palmer, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Talaherero, Updegraff, Vineyard, and Mr. Speaker—27.

So the bill was indefinitely postponed.

Assembly bill No. 379, An Act to pay H. Gibbons, for Certain Services to the State.

Considered engrossed, read third time and passed.

Senate bill No. 101, An Act to authorize the Construction of a Wharf at Half-Moon Bay, in the County of San Francisco.

Read third time and passed.

Senate bill No. 118, An Act to allow John I. Ellet to construct a Canal at Belmont, in the County of San Francisco.

Committee amendments adopted, read third time and passed

On motion of Mr. Stevenson, House adjourned at 5 o'clock, P. M., to meet at 7½ o'clock this evening.

APRIL 27, 1855.

House re-assembled at 7½ o'clock, P. M.
Speaker in the chair.

Mr. Edwards made the following report :

Mr. Speaker :

The Committee on the Judiciary report that they have considered Assembly bill No. 5, entitled An Act to exempt the Homestead and other Property from Forced Sale, and recommend that it be amended by striking out the words "twenty-five hundred" from the first section, and by filling up the blank in the House, and that the bill so amended be passed

They have also considered Assembly bill No. 225, entitled An Act to amend an Act entitled an Act to exempt the Homestead and other Property from Forced Sale in Certain Cases, passed April 21, 1851, and recommend its indefinite postponement.

They have also considered Assembly bill No. 381, entitled An Act to amend the Third Section of the Act concerning Forcible Entrees and Unlawful Detainers, and recommend its passage without amendment.

They have also considered Assembly bill No. 92, entitled An Act to regulate Proceedings for the Recovery of Real Estate, and recommend its passage without amendment.

They have also considered Senate bill No. 214, entitled An Act to amend an Act entitled an Act to regulate Fees in Office, approved April 10, 1855, and recommend its passage without amendment.

Respectfully, &c.,

P. L. EDWARDS,
Chairman.

Mr. Moreland made the following report:

Mr. Speaker :

The Committee on Engrossment have examined and find correctly engrossed—

An Act to amend an Act to prohibit Barbarous and Noisy Amusements on the Christian Sabbath, approved March 16, 1855; also,

An Act to authorize John Vance, and such others as he may associate with him, to build a Wharf at Eureka, Humboldt County; also.

An Act to amend an Act entitled an Act for the Relief of Insolvent Debtors and Protection of Creditors, passed May 4, 1852; also,

An Act granting Hugh Slicer, E. Steel, Charles McLaughlin and Henry A. Lockhart to construct a Wagon Road from Sacramento Valley to the Town of Yreka, in Shasta Valley, and to regulate the Tolls to be collected on the same; also,

An Act to amend an Act entitled an Act to authorize the Formation of Corporations for the Construction of Plank or Turnpike Roads, passed May 12, 1853; also,

An Act to amend an Act to regulate Proceedings in Civil Cases in Courts of Justice of this State, passed April 29, 1851.

THOS. MORELAND,
Chairman.

Assembly bill No. 360, An Act to authorize John Vance, and such others as he may associate with him, to build a Wharf at Eureka, Humboldt County.

Read third time and passed.

Assembly bill No. 380, An Act to provide for the Improvement of the Beckwith Route across the Sierra Nevada Mountains.

Amended, read third time and passed.

Mr. Clayton moved to re-consider the vote by which the bill was amended.

Mr. Rowe moved to indefinitely postpone the bill.

Agreed to.

Assembly bill No. 323, An Act for the Relief of P. L. Solomon.

Indefinitely postponed.

Assembly bill No. 319, An Act for the Relief of Mrs. Annie V. R. Wells, widow of Judge Alexander Wells.

On motion, the bill was laid on the table

Assembly bill No. 362, An Act to regulate the Interest of Money, and to prevent the Loaning of Money at usurious Interest.

Indefinitely postponed.

Assembly bill No. 370, An Act to divide the Nineteenth Senatorial District of this State.

Mr. Rowe moved to indefinitely postpone the bill.

Messrs. Farley, Oxley and Beatty demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Baker, Beatty, Bogardus, Clayton, Foster, Geller, Gober, Johnston of San Francisco, Kinney, McCutchan, Phelps, Stevens, Stevenson, Singley, Smith of Marin, Vineyard, Watkins and Wells—18.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Adkison, Bates, Brown of Contra Costa, Brown of Nevada, Buffum, Cory, Coombs, Cunningham of El Dorado, Douglas, Doughty, Edwards, Farley, Farwell, Ferguson, Gaylord, Gragg, Hosmer, Johnson of El Dorado, Keys, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Quinn, Rodgers, Rowe, Sherrard, Smith of El Dorado, Taylor, Waite, and Mr. Speaker—36.

So the motion was lost.

Bill was considered engrossed, read third time and passed.

Assembly bill No. 365, An Act to create the Office of State Librarian, and to provide for the increase and preservation of the State Library.

Mr. Gober moved to indefinitely postpone.

Mr. Stevenson moved the previous question.

Sustained.

House refused to concur in the first Committee amendment.

Second Committee amendment concurred in.

Third, fourth and fifth Committee amendments lost.

Bill was indefinitely postponed.

Senate bill No. 57, An Act to cede certain property to the City of Benicia.
Amended, read third time and passed.
Mr. Smith of Marin moved to adjourn.
Lost.

Mr. Meredith made the following report:

Mr. Speaker:

The Joint Committee on Enrollment presented to Gov. Bigler, for his approval, this day, An Act supplemental to and amendatory of an Act entitled an Act to provide for the settlement of the affairs of the State Marine Hospital at San Francisco, and to dispose of the property belonging to the same, passed April 16, 1855; also,

An Act to purchase the Portrait of Major General John Augustus Sutter, and to provide for taking the Portrait of Major General John E. Wool, U. S. A.

H. B. MEREDITH,
Chairman.

The following message was received from the Senate:

SENATE CHAMBER, April 27, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on this day, pass Assembly bill No. 229, An Act to fix the compensation of District Attorneys for the several Counties of this State, with amendments as shown therein; also,

Assembly bill No 242, An Act to Fund the Debt of the County of San Diego, and provide for the payment of the same, with amendments.

And did, on yesterday, pass Senate bill No. 205, An Act to authorize certain Chinese Companies to sell and convey certain Real Estate by their Superintendents.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Assembly bill No. 242, An Act to Fund the Debt of the County of San Diego, and provide for the payment of the same.

Senate amendments non-concurred in.

Senate bill No. 205, An Act to authorize certain Chinese Companies to sell and convey certain Real Estate by their Superintendents.

Read first, second and third time and passed.

Assembly bill No. 307, An Act to provide for the payment of Claims against the State, approved by the Legislature.

Indefinitely postponed.

Mr. Douglas offered the following resolution:

Resolved, That Committees or members who may have reports, bills or petitions in their possession, return them to the Clerk, that they may be filed in the office of the Secretary of State.

Read and adopted.

The following messages were received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, April 26, 1855. }

To the Assembly of California

I have this day approved an Act which originated in the Assembly, entitled an Act amendatory of and supplementary to an Act, passed April 16, 1855, entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, passed May 15, 1854.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento, April 27, 1855. }

To the Assembly of California:

I have this day approved the following Acts, which originated in the Assembly, viz :

An Act for securing Liens of Mechanics and others.

An Act supplementary to and explanatory of an Act entitled an Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of a like character, passed April 10, 1855.

An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.

An Act concerning Lawful Fences.

An Act amendatory of and supplemental to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

An Act to provide for the ascertainment of the Indebtedness of Calaveras County prior to the organization of Amador County, and to provide for the payment of that portion due from Amador County to the County of Calaveras.

An Act supplementary to and amendatory of an Act entitled an Act concerning Conveyances, passed April 16, 1850.

An Act to separate the Office of Collector of Taxes from the Office of Sheriff in the County of Yuba.

An Act to change the time of holding the County Court and Court of Sessions of the County of Calaveras, and to change the manner of summoning a Jury for the County Court of said County.

An Act to repeal an Act entitled an Act to regulate Rodeas, passed April 30, 1851, so far as the same relates to Tulare County.

An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854.

An Act to amend an Act entitled an Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin, approved May 12, 1853.

An Act to amend an Act to regulate Elections, passed March 23, 1850.

Also, Joint Resolution relative to the construction of a Military Road, by Congress, from the Sacramento Valley to Crescent City.

Joint Resolution relative to the establishment of a Bell Buoy at the entrance of San Francisco Harbor, and a Light at Punta de los Reyes in Marin County.

JOHN BIGLER.

The following communication was received from C. P. Duane :

SACRAMENTO, April 27, 1855.

HON. W. W. STOW, *Speaker of the Assembly* :

SIR :

The undersigned being desirous of presenting to the State of California the portrait of Henry Clay, which is suspended over the desk of the Speaker, takes this opportunity to tender the same, through you, to the Assembly, and most respectfully asks its acceptance.

Hoping that this silent representative of the lamented and honored Statesman may be permitted to remain upon the wall of the Assembly Chamber, and that in time to come its presence may serve to Act as a faithful monitor to those who are hereafter to fill the places now occupied by that honorable body over which you have the honor to preside.

I am, very respectfully,
Your obedient servant,

CHAS. P. DUANE,
Of San Francisco.

Mr. Ryland moved to adjourn.

Not agreed to.

Senate bill No. 174, An Act to punish Vagrants, Vagabonds, and Dangerous and Suspicious Persons.

Mr. Cammet moved to adjourn.

Lost.

On motion of Mr. Edwards, the House adjourned at 10 o'clock, P. M.

IN ASSEMBLY.

SATURDAY, April 28, 1855.

House met pursuant to adjournment.

Speaker in the Chair.

The roll was called, and the following members were absent :

Mesars. Arrington, Boles, Clayton, Cook, Covarrubias, Gaver, Graves, Johnson of El Dorado, Jones, Knox, McConnell and Taliaferro.

The Journal of yesterday was read and approved.

Mr. Meredith made the following report :

Mr. Speaker:

The Joint Committee on Enrollment have examined and find correctly enrolled the following Acts:

An Act concerning Roads and Highways.

An Act to establish the Salaries of the Judges of the Thirteenth, Fourteenth and Fifteenth Judicial Districts, and to define the Times of holding Courts in said Districts.

An Act to provide for the Sale of the Swamp and Overflowed Lands belonging to this State.

H. B. MEREDITH,
Chairman.

Mr. Flournoy presented a petition relative to War Loan Bond.

Read and referred to State Prison Committee.

On leave, Mr. Sherrard introduced a bill for An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854, and also an Act which passed April 25, 1855, amendatory of the above recited Act.

Read first and second time.

Considered engrossed, read third time and passed.

On leave, Mr. Johnston of San Francisco introduced a bill for An Act explanatory of an Act regulating Marriages, passed April 22, 1850.

Read first and second time.

Considered engrossed, read third time and laid on the table.

Mr. Edwards made the following report:

Mr. Speaker :

The Committee on the Judiciary report that they have considered the following bills:

Assembly bill No. 59, entitled An Act to fix the Sessions of the Supreme Court at the Cities of Sacramento and San Francisco, and report the same back to the House, without recommendation.

Senate bill No. 196, entitled An Act supplementary to an Act entitled an

Act to regulate Fees in Office, passed March 30, 1855, and report the same back to the House, without amendment.

Assembly bill No. 98, entitled An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851, and recommend its indefinite postponement.

Assembly bill No. 247, entitled An Act to amend the Four Hundred and Second Section of an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, and, as the subject matter thereof has been embraced in another bill, they recommend its indefinite postponement.

Assembly bill No. 71, entitled An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, and recommend its indefinite postponement.

Assembly bill No. 310, entitled An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases, passed April 29, 1851, and recommend its indefinite postponement.

Assembly bill No. 318, entitled An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, and, as the same is included in a bill already passed by the House, they recommend its indefinite postponement.

Assembly bill No. 294, entitled An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, and recommend its indefinite postponement.

Assembly bill No. 375, entitled An Act supplementary to an Act entitled an Act amendatory of and supplementary to the Act entitled an Act to regulate Proceedings in the Courts of Justice of this State, (passed May 15, 1854,) passed March 29, 1855, and as the subject matter of the same is provided for in another bill, which has passed the House, they recommend its indefinite postponement.

All of which is respectfully submitted,

P. L. EDWARDS,
Chairman.

Mr. Douglas verbally reported Senate bill No. 199, An Act to appropriate money to enable the Trustees of the Insane Asylum to build a dining room, bath house, and kitchen; also to purchase furniture for the main building of the same, and recommended its passage.

Mr. Buffum verbally reported Senate bill No. 224, An Act to amend an Act entitled an Act to prohibit the erection of Weirs, or other obstructions to the run of Salmon, and recommended its passage.

Mr. Waite made the following report:

Mr. Speaker:

The Committee on Claims having considered the communication of the Attorney General of the 4th instant to this House, in relation to the payment of Hon. Milton S. Latham, and his coadjutors, as Attorneys in the case of John C. Hays *vs.* the Pacific Mail Steamship Company, beg leave to report:

That the amount of money immediately involved in the suit at law, was eleven thousand nine hundred and sixty-two dollars and fifty cents, which sum was paid by the Pacific Mail Steamship Company under protest to John C. Hays, Sheriff of the County of San Francisco, for State and County taxes, levied on the ves-

sels and other property of said Company. An action was brought in the District Court of the Northern District of California, to recover the said sum of money on the 15th day of August, A. D. 1853.

The State, by an Act passed on the third day of May, A. D. 1852, entitled *An Act concerning the collection of certain State Taxes from vessels trading within the waters of the State of California, and in relation to suits therefor*, placed a fund of ten thousand dollars at the disposal of the Governor, for the purpose of employing counsel by special contract, to conduct such cases as the one in question through the State and Federal Courts.

Accordingly, one thousand dollars were paid, as appears by vouchers now on file in the Controller's office, to S. C. Hastings, then Attorney General of the State, to procure counsel. The choice fell upon his partners, Thomas & Morse, who, as is shown by vouchers, received seven thousand dollars for services in the lower Courts of this State.

The case in question being decided in the State Courts against the Steamship Company, an appeal was taken to the Supreme Court of the United States. On the 30th of December, 1853, two thousand dollars, the sum remaining unexpended of the fund provided by the Act of May 3, 1852, were paid to Hon. Jas. A. McDougal to conduct the appealed case, on the part of the appellant, in the Federal Courts. Nothing having been done to bring the case to a trial prior to the meeting of the last Congress, the Hon. Milton S. Latham was requested by the Governor to take charge of and bring the case to a decision. Feeling himself unable, for the want of time and pressure of his duties, to cope with the eminent counsel employed by the Steamship Company, he called to his aid Messrs. May & Brent, of Baltimore.

The judgment of the Courts of this State was reversed.

The communication of the Attorney General recommends the payment of \$3000, the amount claimed by Messrs. Latham, May & Brent, for professional services in the Supreme Court of the United States.

Your Committee are of the opinion that the Hon. Milton S. Latham, acting in good faith on the requisition of the Governor of this State, is entitled to a fair remuneration for his services.

But considering the rate of taxation in the County of San Francisco, as compared with that of the State in the year 1853, the amount in which the State was directly interested in the suit recently decided, could not much exceed three thousand dollars, for which ten thousand dollars have been already expended.

Your Committee are, therefore, of the opinion that the County of San Francisco is justly chargeable with the sum claimed by the Hon. M. S. Latham and his coadjutors, and, understanding that arrangements are to be made by said County for the payment of the same, your Committee submit the foregoing statement of facts, and ask to be discharged from the further consideration of the subject embraced in and incidental to the communication of the Attorney General.

E. G. WAITE,

Chairman.

Mr. Gober made the following report:

Mr. Speaker:

The Committee on Claims, to whom was referred Senate bill No. 126, *An Act to compensate Mrs. Sarah Staples, Teacher of the Pioneer School of the*

County of Tuolumne, have considered the same, and instruct me to report it back and recommend its passage.

W. R. GOBER,
Of Committee.

Mr. Waite verbally reported Senate bill No. 119, An Act to provide for the payment of State Prison Inspectors, and recommended its indefinite postponement.

Mr. Farley verbally reported back a petition in reference to the division of Butte County, without recommendation.

Mr. Gaylord verbally reported Assembly bill No. 281, An Act to legalize certain Acts of the Court of Sessions of Sacramento County, and for other purposes.

Mr. Meredith made the following report:

Mr. Speaker :

The Joint Committee on Enrollment presented to Gov. Bigler, for his approval, this day, an Act concerning Roads and Highways; also,

An Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State; also,

An Act to establish the Salaries of the Judges of the Thirteenth, Fourteenth and Fifteenth Judicial Districts, and to define the time of holding Courts in said Districts.

H. B. MEREDITH,
Chairman.

Mr. Gober made the following report:

Mr. Speaker:

The Committee on Vice and Immorality, to whom was referred Senate bill No. —, proposed amendments to section three, article eleven, of the Constitution of the State of California, report the same back to the House, and recommend its passage without amendment.

GOBER,
Of Committee.

Mr. Johnston, of San Francisco, verbally reported Assembly bill No. 317, An Act supplemental to an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, approved May 3, 1855, and recommended indefinite postponement.

Mr. Hosmer made the following report:

Mr. Speaker :

The Special Committee, to whom was referred Assembly bill No. 212, entitled an Act to provide for the Election of a County Auditor for the County of San Francisco, have considered the same, and are unanimous in recommending that the same should be indefinitely postponed.

HOSMER,
Chairman.

April 27, 1855.

Mr. Taylor made the following report:

Mr. Speaker:

The San Francisco Delegation, to whom was referred Assembly bill No. 286, An Act to regulate proceedings in the Recorder's Court of the City of San Francisco, have had the same under consideration, and report the same back to the House without recommendation.

TAYLOR.

April 28, 1855.

Mr. Farwell verbally reported Assembly bill No. 377, An Act to organize the County of Remando out of the County of San Francisco, and recommended to lay the bill on the table

On leave, Mr. Ashley introduced a bill for an Act supplementary to and explanatory of an Act entitled an Act making appropriations to defray the ordinary Civil Expenses of the Government of this State from the first day of February, A. D. 1855, to the first day of February, A. D. 1856.

Read first and second time.

Considered engrossed.

Read third time and passed.

On leave, Mr. Brown, of Contra Costa, introduced a bill for an Act entitled an Act amendatory of an Act to Fund the Debt of Contra Costa County, and to provide for the payment of the same.

Read first and second time, considered engrossed, read third time, and passed.

Mr. Stevenson, from Committee on Claims, made the following report:

Mr. Speaker:

The Committee on Claims, to whom was referred Senate bill No. 220, entitled An Act for the Relief of James Austin, have had the same under consideration, and instruct me to report the same back to the House, and recommend its indefinite postponement.

E. A. STEVENSON.

Of Committee.

Mr. Farwell verbally reported Senate bill No. 97, a bill for an Act to authorize the Board of Supervisors of San Francisco County to allow and settle the Claim arising out of the purchase of certain property in said County known as the Laffan and Gillespie purchase.

Mr. Gober introduced the following resolution:

Resolved, That the Secretary of State be requested to have five hundred official copies of An Act concerning Lawful Fences, and an Act to prevent Animals from Trespassing on Private Property, and an Act concerning Estrays, passed at the present session of the Legislature, printed for the use of this House.

Lost.

Mr. Ferrell moved to reconsider the vote by which Senate amendment to

Assembly bill No. 342, An Act to prohibit the Sale of Ardent Spirits within two miles of the State Prison, was concurred in.

Agreed to.

House non-concurred in Senate amendment.

On leave, Mr. Buffum offered the following Concurrent Resolution:

Resolved, By the Assembly, the Senate concurring, that the Secretary of State be authorized to furnish the San Francisco Mercantile Library Association with one copy of the State Laws and Journals of the Senate and Assembly.

Special order of the day being on Senate bill No. 29.

Mr. Ryland moved the previous question.

Sustained.

Read third time and passed.

Assembly bill No. 292, An Act to regulate the police of such Passengers arriving in ports of this State, as are not capable of becoming citizens of the United States, and Assembly bill No. 193, An Act concerning Passengers arriving in ports of this State who are ineligible to become citizens.

Indefinitely postponed.

Mr. Stevenson offered the following resolution:

Resolved, That the Chief Clerk and Assistant Clerk be allowed them per diem pay for twenty days after adjournment for the purpose of closing the business of the session; also, that the Sergeant-at-Arms be allowed five days per diem for the same purpose.

Read and adopted.

Senate bill No. 83, a bill for An Act to declare the Tenure of Lands in the Mining Districts of this State.

Substitute adopted.

Assembly bill No. 194, An Act declaring Mining Claims to be Personal Property, and to exempt them from forced sales in certain cases.

Mr. Moreland offered an additional section to the bill.

Adopted

Mr. Douglass offered the following amendment:

"Which claim shall be assessed by the Assessor, and taxes shall be collected thereon."

Mr. Clayton offered the following amendment:

Provided, That none but heads of families residing in this State shall be entitled to any exemption from forced sale under the provisions of this Act.

Mr. Stevenson moved the previous question.

Sustained

The question then recurred on the amendment of Mr. Douglas, upon which Messrs. Stevenson, Arrington, and Adkison, demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Beatty, Brown of Contra Costa, Burke, Cory,

Clayton, Coombs, Covarrubias, Douglas, Doughty, Edwards, Gaylord, Gober, Gragg, Johnson of El Dorado, Keys, Moreland, Murdock, Palmer, Phelps, Ryland, Stevens, Sherrard, Singley, Stewart, Taliaferro, Watkins, Waite, and Whitney—30.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Adkison, Bates, Bogardus, Boles, Brown of Nevada, Cammet, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Flournoy, Foster, Ferguson, Gaver, Geller, Hosmer, Kinney, McCutchan, McCurdy, Meredith, Oxley, Quinn, Rowe, Stevenson, Smith of El Dorado, Updegraff, Vineyard, Wells, and Mr. Speaker—27.

So the amendment of Mr. Douglas was lost.

Messrs. Stevenson, Moreland, and Oxley, demanded the ayes and noes on Mr. Clayton's amendment, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Beatty, Boles, Brewton, Brown of Contra Costa, Cory, Clayton, Coombs, Douglas, Doughty, Gober, Gragg, Johnson of El Dorado, McCutchan, Mellus, Moreland, Murdock, Palmer, Phelps, Ryland, Stevens, Sherrard, Singley, Stewart, Updegraff, Vineyard, Watkins, and Waite—28.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Adkison, Bates, Bogardus, Brown of Nevada, Bufum, Covarrubias, Cunningham of El Dorado, Curtis, Farley, Foster, Ferguson, Gaver, Gaylord, Hosmer, Johnston of San Francisco, Kinney, McCurdy, Oxley, Quinn, Rowe, Stevenson, Smith of El Dorado, Taliaferro, Whitney, and Mr. Speaker—26.

So the amendment of Mr. Clayton was adopted.

The question was then on the engrossment of the bill.

Lost.

House resolved itself into Committee of the Whole, to consider Senate bill No. 126, An Act to compensate Mrs. Sarah Staples, Teacher of the Pioneer School of the County of Tuolumne.

Committee rose, reported, recommended its passage, and were discharged.

Read third time and passed.

Senate bill No. 234, An Act to provide for the Payment of the Salary of the District Attorney of the County of San Francisco.

Read third time and passed.

Senate bill No. 119, An Act to provide for the Payment of the State Prison Inspectors.

Read.

Mr. Waite moved to re-commit to the State Prison Committee.

Lost.

On the passage of the bill,

Messrs. Ryland, Oxley and Foster demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Baker, Bates, Beatty, Brewton, Brown of Nevada, Burke, Cammet, Cory, Coombs, Covarrubias, Cunningham of Sierra, Curtis, Douglas, Doughty, Ferrell, Flournoy, Gaver, Geller, Hosmer, Johnston of San Francisco, Kinney, McCurdy, Oxley, Rodgers, Rowe, Sherrard, Smith of Marin, Stewart, Updegraff and Vineyard—32.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Bogardus, Cunningham of El Dorado, Foster, Ferguson, Gober, Gragg, Johnson of El Dorado, McCutchan, McConnell, Phelps, Quinn, Ryland, Singley, Watkins and Waite—18.

So the bill was passed.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, April 27, 1855. }

To the Assembly of California:

I have this day approved the following Acts, which originated in the Assembly, viz:

An Act for the Relief of the California State Agricultural Society.

An Act supplemental to and amendatory of an Act entitled an Act to provide for the Settlement of the Affairs of the State Marine Hospital, at San Francisco, and to dispose of the Property belonging to the same, passed April 16, 1855.

An Act to fix the Compensation of the County Judges of Siskiyou, Trinity and Klamath, and to repeal, in part, the First Section of an Act entitled an Act to fix the Compensation of County Judges and Associate Justices of the Court of Sessions, passed May 17, 1853.

An Act to provide for the Disposal of Lots in the Towns and Villages on the Public Lands in the County of Humboldt.

JOHN BIGLER.

The following message was received from the Senate :

SENATE CHAMBER, April 27, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate has this day passed the following bill:

Senate bill No. 85, An Act to amend an Act entitled an Act to provide for the Formation of Corporations for certain purposes, passed April 14, 1853.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Senate bill No. 85.

Read first and second time.

Read third time and passed.

The following message was received from the Senate:

SENATE CHAMBER, April 28, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on yesterday, pass Senate bill No. 222, entitled An Act amendatory of an Act entitled an Act concerning Corporations, passed April 22, A. D. 1850; also,

Senate bill No. 223, entitled An Act amendatory of an Act entitled an Act to provide for the Formation of Corporations for certain purposes, passed April 14, 1853; also,

Senate bill No. 240, entitled An Act to provide for a Contingent Fund for the arrest of Fugitives from Justice.

C. DICKINSON,
Secretary of Senate.

Senate bill No. 222, a bill for an Act amendatory of an Act entitled an Act concerning Corporations, passed April 22, A. D. 1850.

Read first and second time and referred to Committee on Corporations.

Senate bill No. 249.

Read first and second time.

House resolved itself in Committee of the Whole to consider the bill.

Committee rose, reported and were discharged.

Mr. Quinn moved to indefinitely postpone.

Upon which Messrs Amyx, Rowe and Foster demanded the ayes and noes on the indefinite postponement, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Ashley, Adkison, Baker, Burke, Cory, Coombs, Farley, Geller, Gober, McCutchan, McCurdy, Mellus, Moreland, Oxley, Phelps, Quinn, Ryland, Watkins and Wells—20.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Bates, Bogardus, Boles, Buffum, Covarrubias, Cunningham of Sierra, Dana, Doughty, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco,

Kinney, Lincoln, McConnell, Palmer, Rodgers, Rowe, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard and Whitney—37.

So the motion was lost.

On the passage of the bill, Messrs. Ryland, Amyx and Oxley demanded the ayes and noes with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Bates, Bogardus, Boles, Buffum, Burke, Chase, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Foster, Ferguson, Gaver, Hosmer, Johnson of El Dorado, Johnston of San Francisco, McConnell, Meredith, Palmer, Rowe, Stevens, Stevenson, Smith of El Dorado, Smith of Marin, Stewart, Taylor, Vineyard and Whitney—28.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Brown of Contra Costa, Cory, Coombs, Doughty, Farley, Geller, Gober, Gragg, Hunt, Kinney, McCutchan, McCurdy, Mellus, Moreland, Oxley, Phelps, Quinn, Ryland, Taliaferro, Updegraff, Watkins, Waite and Wells—24.

So the bill was passed.

Mr. Farley gave notice that he would, on Monday, move a re-consideration of the vote just taken.

Senate bill No. 223.

Read first and second time and referred to Committee on Corporations.

The following resolution was received from the Senate:

Resolved, (by the Senate, the Assembly concurring,) That the Legislature do adjourn *sine die* on the 7th of May next, at 12 M.; and be it further

Resolved, That the Concurrent Resolution fixing the time of the adjournment of the Legislature on Monday, the 30th of April inst., be and the same is hereby rescinded

Mr. Ashley moved to indefinitely postpone the resolution.

Mr. Ryland moved the previous question.

Sustained.

Messrs. Ashley, Lincoln and Moreland demanded the ayes and noes on the indefinite postponement of the resolution, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Adkison, Beatty, Bogardus, Brown of Contra

Costa, Buffum, Cammet, Chase, Clayton, Coombs, Covarrubias, Cunningham of El Dorado, Farwell, Flournoy, Foster, Ferguson, Gaylord, Gober, Gragg, Hunt, Johnson of El Dorado, Johnston of San Francisco, Keys, Lincoln, McCutchan, McConnell, Mellus, Moreland, Oxley, Palmer, Phelps, Quinn, Rodgers, Ryland, Stevens, Stevenson, Sherrard, Smith of El Dorado, Taliaferro, Taylor, Watkins, Waite, Wells, Whitney and Mr. Speaker—46.

Those who voted in the negative were :

NOES.

Messrs. Amyx, Baker, Bates, Brewton, Cory, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Ferrell, Gaver, Geller, Hosmer, Kinney, Meredith, Murdock, Rowe, Singley, Smith of Marin, Stewart, Updegraff and Vineyard—25.

So the resolution was indefinitely postponed.

Mr. Stevenson moved to re-consider.

Mr. Ryland moved to indefinitely postpone.

Agreed to

Senate bill No. 182, An Act to authorize the Judges of the Supreme Court to employ a Secretary.

Committee amendment concurred in, read a third time and passed.

Mr. Edwards moved to re-consider.

Mr. Cunningham moved to lay on the table

Agreed to.

Senate bill No. 214, An Act entitled an Act to regulate Fees in Office, approved April 10th, 1855.

Read third time and passed.

Senate bill No. 135, An Act to enable the personal representatives and next of kin of persons deceased to maintain suits in certain cases.

Substitute adopted, considered engrossed, read third time and passed.

Mr. Edwards, Chairman, made the following report:

Mr. Speaker :

The Committee of Conference on the Assembly amendments to section 5 of Senate bill No. 39, entitled An Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852, report that they have considered the same in conference with the committee on the part of the Senate, and respectfully recommend that the House recede from its amendments.

Respectfully, &c.,

P. L. EDWARDS,
Chairman.

Mr. Edwards moved to re-consider the vote by which the Assembly bill No. 241, An Act to provide for the construction of a Wagon Road from the Sacramento Valley to the eastern line of this State, was lost.

Not agreed to.

Assembly bill No. 225, An Act to amend an Act entitled an Act to exempt the

Homestead and other property from forced sales in certain cases, passed April 21, 1851.

Indefinitely postponed.

Assembly bill No 381, An Act to amend the third section of the Act concerning forcible entries.

Considered engrossed, read third time and passed.

Assembly bill No. 92, An Act to regulate proceedings for the recovery of Real Estate.

Considered engrossed, read third time and passed.

Senate bill No. 177, An Act concerning the Escape of Convicts of the State Prison

Read third time and passed.

Mr. Farwell moved to take from the table Assembly bill No 319, An Act for the relief of Mrs. A. V. R. Wells, widow of Judge Alexander Wells.

Not agreed to.

Senate bill No 174, An Act to punish vagrants, vagabonds, and dangerous and suspicious persons.

Read third time and passed.

Senate bill 196, An Act supplemental to an Act entitled an Act to regulate fees in office, passed March 30, 1855.

Read third time and passed.

Assembly bill No. 152, An Act to provide for the construction of a Line of Telegraph between the port of San Francisco and the eastern line of the State of California, at the place of location of the Pacific Line of Telegraph, connecting with the same.

Laid on the table.

Assembly bill No. 281, An Act to legalize certain acts of the Court of Sessions of Sacramento County, and for other purposes.

Laid on the table

Assembly bill No. 98, An Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

Indefinitely postponed.

Assembly bill 247, An Act to amend the four hundred and second section of an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1855.

Indefinitely postponed.

Assembly bill No. 212, An Act to provide for the election of County Auditor for San Francisco County.

Indefinitely postponed.

Mr. Stevenson moved to adjourn.

Not agreed to.

Assembly bill No. 71, An Act to amend section 516 of an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

Indefinitely postponed.

Assembly bill No. 310, An Act to amend an Act to regulate proceedings in Civil Cases, passed April 29, 1851.

Indefinitely postponed.

Messrs Ashley, Gober, and Farwell, Committee of Conference to consider Senate bill No. 220, An Act for the relief of James Austin, by his agent, Benjamin Lippincott.

The question being on concurring in report of Committee of Conference,

Messrs. Stevenson, Arrington, and Flournoy, demanded the ayes and noes on the passage of the bill, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amys, Bules, Brown of Contra Costa, Cory, Cunningham of El Dorado, Gober, Keys, McCutchan, McConnell, Moteland, Palmer, Phelps, Quinn, Stevenson, Singley, Smith of El Dorado, Vineyard, Watkins, and Waite—20.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Adkison, Baker, Bates, Beatty, Brewton, Brown of Nevada, Buffum, Chase, Clayton, Coombs, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Farwell, Ferrell, Flournoy, Gaver, Geller, Hosmer, Hunt, Johnston of San Francisco, Kinney, Lincoln, McCurdy, Mellus, Meredith, Oxley, Rodgers, Rowe, Ryland, Stevens, Sherrard, Smith of Marin, Stewart, Taliaferro, Taylor, Wells, and Mr. Speaker—12.

So the House concurred.

Moved to re-consider.

Mr. Hosmer moved to indefinitely postpone.

Agreed to.

Senate bill No. 97, a bill for an Act to authorize the Board of Supervisors of San Francisco County to allow and settle the Claim arising out of the Purchase of certain property in said County known as the Laffau and Gillespie purchase.

Indefinitely postponed.

Assembly bill No. 94, An Act for the better Protection of Settlers.

Laid on the table.

The following message was received from the Governor, read, and referred to Committee on Internal Improvements,

EXECUTIVE DEPARTMENT,
Sacramento, April 28, 1855. }

To the Assembly of California :

I have this day approved an Act which originated in the Assembly, entitled "An Act to provide for the survey and construction of a Wagon Road over the Sierra Nevada Mountains."

This Act appropriates money for a special object, and, in my opinion, should provide means for the payment of accruing interest on the bonds authorized to be issued, and their ultimate redemption. It should also have contained a provision submitting the Act to a vote of the people at the next general election.

These objections, however, can all be obviated by the passage of another Act, and I have yielded my assent to this Act after having been assured by friends and opponents of the proposed work, that no objection would be made to the passage of a supplementary Act submitting the law this day approved to a vote of the people, and providing means for the payment of interest, and the ultimate redemption of the bonds authorized to be issued.

Having confided in the assurance given that the defects above referred to will

be promptly remedied by the passage of a supplementary Act as suggested, I sincerely trust that the subject will receive immediate consideration, and objections removed which otherwise might defeat the whole object and intent of the law.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento, April 28, 1855. }

To the Assembly of California:

I have this day approved the following Acts which originated in the Assembly, viz:

An Act concerning Roads and Highways.

An Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State.

An Act to establish the Salaries of the Judges of the Thirteenth, Fourteenth and Fifteenth Judicial Districts, and to define the time for holding Courts in said Districts.

JOHN BIGLER.

Senate bill No. 228, An Act for the settlement of the account of T. Melvin.

House resolved itself in Committee of the Whole to consider the bill.

Rose, reported and were discharged.

Indefinitely postponed.

The following message was received from the Senate:

SENATE CHAMBER, April 28, 1855.

Mr. Speaker:

I am directed to inform the Assembly that the Senate have, this day, passed Assembly bill No. 387, An Act entitled an Act amendatory of an Act to Fund the Debt of Contra Costa County, and to provide for the payment of the same.

C. DICKINSON,
Secretary of Senate.

Assembly bill No. 59, An Act to fix the Session of the Supreme Court at the City of Sacramento.

Indefinitely postponed.

Assembly bill No. 375, An Act supplementary to an Act amendatory of and supplementary to the Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, (passed May 15, 1854,) passed March 29, 1855.

Indefinitely postponed.

Assembly bill No. 294, An Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

Indefinitely postponed.

Assembly bill No. 318, An Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice in this State.

Indefinitely postponed.

Mr. Stevenson moved to re-consider the vote by which the House passed Assembly bill No. 118, An Act to amend an Act entitled an Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850.

Mr. Hosmer moved to indefinitely postpone.

Agreed to

On motion of Mr. Smith of Marin, House took a recess at 3 o'clock, P. M., until 7½ o'clock this evening.

APRIL 28.

House re-assembled at 7½ o'clock P. M.
Speaker in the Chair.

Senate bill No. 224, An Act to amend an Act to prohibit the erection of Weirs, or other obstructions to the run of Salmon.

Read a third time and passed.

The following message was received from the Senate:

SENATE CHAMBER, April 28, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have concurred in Assembly amendments to Senate bill No. 174, An Act to punish Vagrants, Vagabonds, and Dangerous and Suspicious Persons ; also,

Passed Assembly bill No. 280, An Act to authorize the working of County Convicts in Sacramento County ; also,

Assembly bill No. 210, An Act to amend an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, passed March 30, 1853 ; also,

That the Senate refused to recede from their amendments to Assembly bill No. 352, An Act to establish a permanent Boundary Line between the Counties of Stanislaus and Tuolumne.

C. DICKINSON,
Secretary of Senate.

PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF CALIFORNIA.

ARTICLE XI.

The Legislature of the State of California, at its sixth annual session, commenced on the first day of January, A. D. 1855, propose as amendment to the present Constitution of this State, the following:

Amendment 1. Section three of article eleven of the Constitution of the State of California, is hereby amended so as to read as follows:

Section 3. Members of the Legislature, and all officers elected or appointed, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: I, ———, do solemnly swear that I

will faithfully discharge and perform all the duties incumbent on me as — agreeably to the Constitution of the United States and of this State, and that, since the adoption of this amendment to the Constitution, I have not fought a duel with deadly weapons within this State or out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, or aided or advised or assisted any person thus offending, so help me God; and no other oath, declaration or test shall be required as qualification for any office or public trust.

Mr. Rowe moved to indefinitely postpone.

Mr. Flournoy offered the following amendment:

Strike out "this State."

Lost.

Mr. Stevenson offered the following amendment:

"Have not fought a duel since the first day of January, 1856."

Mr. Flournoy moved to lay on the table.

Lost.

Mr. Ashley moved the previous question.

Sustained.

The question then recurred on Mr. Rowe's motion to indefinitely postpone.

Lost.

On the indefinite postponement,

The ayes and noes were taken, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Adkison, Baker, Beatty, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Cammet, Clayton, Coombs, Dana, Doughty, Farwell, Foster, Geller, Gober, Gragg, Hosmer, Johnson of El Dorado, McCutchan, Mellus, Moreland, Oxley, Palmer, Phelps, Quinn, Rodgers, Ryland, Stevens, Smith of El Dorado, Taylor, Updegraff, Vineyard, Watkins, Wells and Mr. Speaker—39.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Bogardus, Cunningham of Sierra, Curtis, Farley, Flournoy, Ferguson, Gaver, Johnston of San Francisco, McCurdy, Rowe, Stevenson, Sherrard, Singley, Smith of Marin, Stewart and Waite—18.

So the motion was carried.

The question then recurred on Mr. Buffum's motion to re-consider, which the Chair decided in order.

Mr. Stevenson appealed from the decision of the Chair.

Chair sustained.

The vote was re-considered.

On the passage of the bill,

The ayes and noes were called for, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Adkison, Baker, Beatty, Boles, Brewton, Brown of Contra Costa, Buffum, Cammet, Clayton, Coombs, Dana, Douglas, Farwell, Foster, Gaylord, Geller, Gober, Gragg, Hosmer, Johnson of El Dorado, Keys, Kinney, McCutchan, Mellus, Moreland, Palmer, Phelps, Quinn, Rodgers, Ryland, Stevens, Smith of El Dorado, Taylor, Updegraff, Vineyard, Watkins, Wells, Whitney and Mr. Speaker—42.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Bogardus, Brown of Nevada, Cunningham of Sierra, Curtis, Farley, Flournoy, Ferguson, Gaver, Hunt, Johnston of San Francisco, McCurdy, Murdock, Rowe, Stevenson, Sherrard, Singley, Smith of Marin, Stewart and Waite—21.

So the bill passed.

Mr. Ashley made the following report:

Mr. Speaker :

The Committee of Free Conference, appointed by the Senate and Assembly, to whom was referred Assembly bill No. 18, An Act to establish, support and regulate Common Schools, &c., have had the same under consideration, and recommend that the Senate recede from its amendment to section thirty-four, and your Committee unanimously recommend a substitute for the second Senate amendment to section 22, and the passage of the bill as amended.

THOS. KENDALL,

Chairman Select Committee.

D. MAHONEY,

JNO. T. CRENSHAW,

W. R. GOBER,

W. B. FARWELL.

D. R. ASHLEY,

Chairman Assembly Committee.

Adopted.

Substitute for second Senate amendment to twenty-second section :

Insert, in section twenty-two, after sixth sub-division—

“Seventh. *Provided*, that the Common Council, on the petition of fifty heads of white families, citizens of the district, shall establish a school or schools

in said district, and shall award such school or schools a pro rata of the School Fund ; *provided*, no sectarian doctrines are taught in said school or schools, and said schools so established, shall, in all particulars, be under the supervision and control of the Common Council, as are all other common schools within their jurisdiction, under the provision of this Act."

Mr. Whitney verbally reported that the Committee could not agree on Senate bill No. 223, An Act amendatory of an Act entitled an Act to provide for the Formation of Corporations for certain purposes, passed April 14, 1853.

Mr. Johnston verbally reported Senate bill No. 199, An Act to appropriate Money to enable the Trustees of the Insane Asylum to build a Dining Room, Bath House and Kitchen ; also, to purchase Furniture for the Main Building of the same.

Read third time.

On the passage of the bill,

Messrs. Flournoy, Arrington and Rowe demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Chase, Clayton, Curtis, Dana, Doughty, Farwell, Ferrell, Flournoy, Ferguson, Geller, Gragg, Hosmer, Keys, Kinney, McCurdy, Mellus, Meredith, Murdock, Palmer, Phelps, Rowe, Sherrard, Updegraff, Waite, and Mr. Speaker—33.

Those who voted in the negative were—

NOES.

Messrs. Cammet, Edwards, Foster, Gaylord, Gober, Hunt, Johnson of El Dorado, McCutchan, Moreland, Quinn, Rodgers, Ryland, Smith of El Dorado, Taylor, Watkins, Wells, and Whitney—17.

So the bill was passed.

The following message was received from the Senate :

SENATE CHAMBER, April 28, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate, on this day, passed Assembly bill No. 6, entitled An Act to re-incorporate the City of San Francisco, with amendments, as shown therein.

C. DICKINSON,
Secretary of Senate.

Assembly bill No. 6, An Act to re-incorporate the City of San Francisco.
Senate amendments concurred in.

The following message was received from the Senate:

SENATE CHAMBER, April 28, 1855

Mr. Speaker :

The Committee of Free Conference reported back Assembly bill No. 18, receding from Senate amendments, and adopted the amendments as therein shown, in which the concurrence of the House is solicited.

C. DICKINSON,

Secretary of Senate.

Assembly bill No. 351, a bill for an Act to legalize the City Assessment of the City of San Francisco for the fiscal year 1845.

Substitute adopted

Considered engrossed.

Read a third time and passed.

Senate bill No. 223, An Act amendatory of an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853.

Mr. Hosmer moved to indefinitely postpone the bill.

Mr. Rodgers moved the previous question.

Upon which Messrs. Beatty, Rowe and Bogardus demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Adkison, Brewton, Brown of Contra Costa, Buffum, Cammet, Chase, Coombs, Dana, Doughty, Farwell, Ferrell, Foster, Ferguson, Gaver, Gragg, Hosmer, Hunt, Mellus, Meredith, Palmer, Phelps, Rodgers, Smith of El Dorado, Smith of Marin, Stewart, Taylor and Updegraff—28.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Ashley, Beatty, Bogardus, Boles, Brown of Nevada, Clayton, Covarrubias, Curtis, Gaylord, Geller, Gober, Johnson of El Dorado, Keys, Lincoln, McCutchan, McCurdy, Moreland, Quinn, Rowe, Ryland, Stevens, Stevenson, Sherrard, Singley, Vineyard, Watkins, Waite and Wells—29.

So the motion was lost.

The ayes and noes being taken on the indefinite postponement, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Adkison, Brewton, Brown of Contra Costa, Buffum, Cammet, Chase, Clayton, Coombs, Covarrubias, Cunningham of Sierra,

Dana, Doughty, Edwards, Farwell, Ferrell, Foster, Ferguson, Gaylord, Gragg, Hosmer, Johnston of San Francisco, Kinney, Mellus, Meredith, Mardock, Palmer, Rodgers, Smith of El Dorado, Smith of Marin, Stewart, Taylor, Updegraff, Waite and Wells—36

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Beatty, Bogardus, Brown of Nevada, Curtis, Farley, Gaver, Geller, Gober, Johnson of El Dorado, Keys, Lincoln, McCutchan, McConnell, Moreland, Phelps, Quinn, Rowe, Ryland, Stevens, Stevenson, Sherard, Singley, Vineyard and Watkins—26.

So the motion was sustained.

The following message was received from the Senate :

SENATE CHAMBER, April 28, 1855.

Mr. Speaker.

I am directed to inform the Assembly that the Senate have, this day, refused to recede from amendments to Assembly bill No. 229, An Act to fix the compensation of District Attorneys for the several Counties of this State, and have appointed a Committee of Conference, Messrs. McGarry, Whiting and Keene; also,

Refused to recede from Senate amendments to Assembly bill No. 242, An Act to Fund the Debt of the County of San Diego, and to provide for the payment of the same, and have appointed a Committee of Conference, Messrs. Rust, McCoun and McGarry, and ask the appointment of a similar Committee.

C. DICKINSON,

Secretary of Senate.

Messrs. Ferrell, Flournoy and Douglas appointed a Committee of Conference on Assembly bill No. 242, An Act to Fund the Debt of the County of San Diego, and provide for the payment of the same.

Messrs. Johnston of San Francisco, Curtis and Rodgers appointed a Committee of Conference on Assembly bill No. 229, An Act for the compensation of District Attorneys for the several Counties of this State.

Considered engrossed.

Read third time and passed.

Mr. Farwell moved to take from the table Assembly bill No. 377, An Act to organize the County of Remando out of the County of San Francisco.

Agreed to, amended, ordered engrossed.

Mr. Ferrell, Chairman, made the following report :

Mr. Speaker:

The Committee of Conference, to which was referred Assembly bill No. 242, being An Act to Fund the Debt of San Diego County, have had the same under

consideration, and have to report that Senate Committee have agreed to recommend that the Senate recede from its amendment

W. G. FERRELL,
Chairman.

Adopted.

The following Assembly Concurrent Resolution was offered :

Resolved, by the Assembly, the Senate concurring, that the Governor and the Secretary of State be empowered and instructed to employ a competent person or persons to examine the remaining evidences of State indebtedness, and superintend the destruction of the same : and the Controller of State is hereby instructed to draw his Warrants on the Treasurer of State, or under the order of the Secretary of State or Governor, for the pay of said Clerk or Clerks, not exceeding the per diem of the Clerks employed in the Offices of the State Controller and State Treasurer, to be paid out of the Contingent Fund, and not to be employed over three days

Adopted.

Assembly bill No. 359, An Act to authorize the Board of Trustees of the City of San Diego to convey to the President of the Board of Directors of the San Diego and Gila Southern Pacific and Atlantic Railroad Company, two leagues of the Pueblo Lands, to aid in the construction thereof.

Senate amendments concurred in.

Assembly bill No. 319, An Act for the relief of Mrs. Annie V. R. Wells, widow of Judge Alexander Wells

Substitute adopted, considered engrossed, read third time.

Messrs. Amyx, Ferguson, and Buffum, demanded the ayes and noes on the passage of the bill.

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Adkison, Baker, Brewton, Buffum, Burke, Cammet, Chase, Clayton, Coombs, Covarrubias, Curtis Dana, Doughty, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Hosmer, Johnston of San Francisco, Lincoln, McCurdy, Mellus, Meredith, Moreland, Oxley, Palmer, Rodgers, Sherrard, Stewart, Taylor, Updegraff, Waite, Whitney, and Mr. Speaker—39.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Beatty, Bogardus, Boles, Brown of Contra Costa, Brown of Nevada, Cory, Farley, Foster, Gragg, Hunt, Johnson of El Dorado, Keys, McCutchan, Murdock, Phelps, Stevenson, Smith of El Dorado, and Watkins—19.

So the bill was lost.

Mr. Farley moved to adjourn, upon which Messrs Flournoy, Ferrell, and Farwell, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs Amyx, Beatty, Bogardus, Boles, Brown of Nevada, Edwards, Farley, Foster, Ferguson, Gaylord, Gober, Gragg, Homer, Hunt, Keys, McCutchan, Murdock, Palmer, Quinn, Stevenson, Sheriand, Smith of El Dorado, Smith of Marin, and Updegraff—24.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Ashley, Baker, Brown of Contra Costa, Buffum, Burke, Cammet, Chase Clayton, Coombs, Covarrubias, Curtis, Dana, Doughty, Farwell, Ferrell, Flournoy, Gaver, Geller, Johnson of El Dorado, Johnston of San Francisco, Lincoln, McCurdy, Mellus, Moreland, Oxley, Phelps, Rodgers, Rowe, Ryland, Singley, Stewart, Taylor, Watkins, Waite, Whitney, and Mr. Speaker—39.

Not agreed to.

Mr. Farwell moved a call of the House.

Not agreed to.

The following message was received from the Senate :

SENATE CHAMBER, April 28, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate on this day passed Assembly bill No. 254, An Act to organize the County of Buena Vista.

Respectfully submitted,

C. DICKINSON,

Secretary of Senate.

Mr. Flournoy offered the following resolution :

Resolved, That five hundred copies of the new Law concerning Common Schools, be printed in pamphlet form and distributed by the Secretary of State as soon as possible.

Adopted.

Mr. Stevenson moved to adjourn,

Messrs. Stevenson, Farley, and Edwards, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Beatty, Bogardus, Boles, Brewton, Brown of

Nevada, Farley, Farwell, Gaver, Gober, Keys, McCutchan, McCurdy, Murdock, Oxley, Palmer, Quinn, Stevenson, Sherrard, Singley and Updegraff—22.

Those who voted in the negative were—

NOES.

Messrs. Ashley, Adkison, Baker, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Chase, Clayton, Coombs, Covarrubias, Curtis, Dana, Doughty, Edwards, Ferguson, Gaylord, Geller, Gragg, Hosmer, Hunt, Johnston of San Francisco, Lincoln, Mellus, Meredith, Moreland, Phelps, Rodgers, Rowe, Ryland, Taylor and Waite—34.

So the motion was lost.

Senate bill No. 243, An Act to authorize the Supervisors of the County of Alameda to re-assess the Taxable Property remaining unpaid in said County for the year 1854.

Read third time and passed.

Mr. Meredith made the following report:

Mr. Speaker :

The Joint Committee on Enrollment have examined and found correctly enrolled, An Act to provide for the Government of the State Prison; also,

An Act to provide for annulling the Contract at present existing between the State of California and James M. Estill, Lessee for the Keeping of the State Prison Convicts, made under an Act entitled an Act to provide for securing the State Prison Convicts, passed April 25, 1851, and an Act entitled an Act in relation to State Prison Convicts, passed April 10, 1852; also,

An Act entitled an Act amendatory of an Act to Fund the Debt of Contra Costa County, and provide for payment of the same.

H. B. MEREDITH,

Chairman.

Mr. Brown of Nevada moved to adjourn.

Not agreed to.

Senate bill No. 145, An Act to provide for settling the Boundary Lines between the Counties of Santa Cruz and San Francisco.

Read third time and passed.

Mr. Farley moved to adjourn.

Not agreed to.

Mr. Amyx moved a call of the House.

Not agreed to.

Mr. Stevenson moved to adjourn.

Chair decided the motion out of order.

Mr. Stevenson appealed from the decision of the Chair.

Mr. Oxley moved the previous question.

Sustained.

The question on appeal.

Chair sustained.

Senate bill No. 87, An Act authorizing P. B. Reading and others to improve

and exclusively navigate the Sacramento River between Red Bluffs and Clear and Middle Creeks.

Indefinitely postponed.

Senate bill No. 227, An Act to amend an Act to fix the times for holding the Terms of the District Courts throughout this State, passed May 18, 1853.

Read first time.

Mr. Cammet moved to lay the bill on the table.

Mr. Stevenson moved to adjourn.

Not agreed to.

Mr. Farwell moved to suspend the rules, to introduce a resolution.

Upon which Messrs. Stevenson, Farley and Farwell demanded the ayes and noes with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Ashley, Adkison, Baker, Brewton, Buffum, Cory, Chase, Coombs, Cunningham of Sierra, Curtis, Dana, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaylord, Hosmer, Hunt, Johnston of San Francisco, Keys, Lincoln, Mellus, Meredith, Murdock, Palmer, Rodgers, Rowe, Stewart, Taylor and Waite—33.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Beatty, Bogardus, Brown of Contra Costa, Foster, Gaver, Geller, Gober, Gragg, McCutchan, Moreland, Oxley, Phelps, Quinn, Stevenson, Sherrard, Watkins and Mr. Speaker—20.

So the motion was lost.

On motion of Mr. Stevenson, the House adjourned at 12 o'clock P. M.

IN ASSEMBLY.

MONDAY, April 30, 1855.

House met pursuant to adjournment.

The Speaker in the Chair.

Roll called, and the following members were absent:

Messrs. Boles, Chase, Cook, Dana, Foster, Gaver, Graves, Jones, Knox, Lincoln, Smith of El Dorado, and Taliaferro.

The Journal of Saturday was read and approved.

Mr. Palmer made the following report :

Mr. Speaker:

The Committee on Engrossment have examined and find correctly engrossed :
An Act to organize the County of Ramondo out of the County of San Francisco.
And also, An Act for the relief of Mrs. Annie V. R. Wells.

J. W. D. PALMER,
Of Committee.

Mr. Johnston, of San Francisco, offered the following resolution :

Resolved, That the thanks of the Members of this Body be, and they are hereby tendered to Hon. W. W. Stow, for the able, dignified and impartial manner in which he has discharged the duties of Speaker of the Assembly during the present session.

Messrs Baker, Brown of Nevada, and Watkins, demanded the ayes and noes on its adoption, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs Andrews, Arrington, Ashley, Adkison, Baker, Bates, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cammet, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaylord, Geller, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Keys, Kinney, McCurdy, McCutchan, McConnell, Mellus, Meredith, Murdock, Oxley, Palmer, Phelps, Rodgers, Rowe, Ryland, Stevens, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taylor, Updegraff, Vineyard, Waite, Wells, and Whitney—62.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Bogardus, Foster, Stevenson, Taliaferro, and Watkins—6.

So the resolution was adopted.

Mr. Amyx offered the following resolution :

Resolved, That during the continuance of the present session of the Legislature, the Bar of the Assembly Hall shall be kept closed by the Door-Keeper, and that no person be permitted to come within the Bar of the Assembly except in accordance with the sixty-seventh Standing Rule of this House, and the resolution admitting Newspaper Reporters.

Mr. Bates moved to lay the resolution on the table.

Messrs. Amyx, Watkins, and McCurdy, demanded the ayes and noes on the motion, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Adkison, Baker, Bates, Brewton, Buffum, Burke, Covarrubias, Cunningham of Sierra, Curtis, Douglas, Doughty, Edwards, Farwell, Flournoy, Ferguson, Gaylord, Geiler, Gragg, Hosmer, Hunt, Keys, Mellus, Murdock, Rowe, Stevens, and Stewart—27.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Ashley, Beatty, Bogardus, Brown of Contra Costa, Brown of Nevada, Cammet, Clayton, Coombs, Cook, Cunningham of El Dorado, Dana, Farley, Ferrell, Foster, Gober, Johnson of El Dorado, Johnston of San Francisco, Kinney, Lincoln, McCutchan, McConnell, McCurdy, Oxley, Palmer, Phelps, Quinn Ryland, Stevenson, Sherrard, Singley, Smith of Marin, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Waite, Wells, and Whitney—41.

So the motion was lost.

Resolution was then adopted.

Mr. Kinney offered the following resolution :

Resolved, That the special State Prison Committee of this House be instructed to report to this House a bill providing for a construction of a wall around the Prison, and such additional buildings as they may think necessary for the security and safe-keeping of the convicts.

Mr. Kinney offered the following resolution :

Resolved, by the Assembly, the Senate concurring, that the Legislature adjourn on Friday, the 4th inst., at 12 o'clock m.

Mr. Smith, of Marin, moved to lay the resolution on the table,

Upon which, Messrs. Brown of Nevada, McCurdy, and Smith of Marin, demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Arrington, Ashley, Bates, Beatty, Bogardus, Brewton, Brown of Nevada, Buffum, Cammet, Covarrubias, Foster, Gober, Johnson of El Dorado, Keys, Lincoln, McCutchan, McConnell, McCurdy, Mellus, Oxley, Palmer, Phelps, Quinn, Rowe, Ryland, Stevens, Stevenson, Singley, Smith of Marin, Vineyard, Watkins, Waite and Wells—34.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Adkison, Baker, Brown of Contra Costa, Burke, Cory, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Farley, Ferrell, Ferguson, Gaylord, Geller, Gragg, Hosmer, Hunt, Kinney, Murdock, Rodgers, Sherrard, Stewart, Taliaferro, Taylor, Updegraff and Whitney—32.

So the motion was carried.

Mr. Ashley moved to re-consider the vote.

Upon which Messrs. Amyx, Quinn and Hosmer demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Adkison, Baker, Bates, Brewton, Brown of Contra Costa, Buffum, Burke, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Gragg, Hosmer, Hunt, Johnson of El Dorado, Kinney, Meredith, Murdock, Rodgers, Rowe, Stevenson, Sherrard, Singley, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Whitney and Mr. Speaker—48.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Beatty, Brown of Nevada, Chase, Geller, Keys, Lincoln, McCutchan, McCurdy, Mellus, Moreland, Oxley, Palmer, Phelps, Quinn, Ryland, Stevens, Watkins, Waite and Wells—22.

So the vote was re-considered.

The following communication from the agent of the State Prison was received:

To the Hon. Assembly of the State of California:

The undersigned has every reason to suppose that his Excellency, Governor Bigler, will veto the bill recently passed by both of your honorable bodies, annulling the contract existing between the State of California and James M. Estill, Lessee, etc.; in consequence of which the undersigned, Agent of the State Prison, begs most respectfully to assure your honorable body, that, unless some provision is immediately made regarding the fate of the same, the State must look to the sureties of General Estill for the future faithful performance of his contract, and the odium which must necessarily be attached, must rest upon the shoulders of those who are the best calculated to bear it.

Respectfully submitted,

SAML. W. HAIGHT,
Agent of California State Prison.

April 30, 1855.

Mr. Edwards moved to strike out Friday 4th, at 12 o'clock, and insert Monday, 7th May.

Mr. Johnson, of El Dorado, moved the previous question.

Sustained.

Upon which Messrs. Amyx, Watkins and Moreland demanded the ayes and noes with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Baker, Bates, Bogardus, Brewton, Burke, Cory, Cook, Cunningham of Sierra, Curtis, Douglas, Edwards, Farley, Ferrell, Foster, Gaver, Geller, Gragg, Hosmer, Meredith, Rodgers, Rowe, Stevenson, Sherrard, Singley, Smith of Marin, Stewart, Taliaferro, Updegraff, Vineyard and Whitney—31.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Ashley, Adkison, Beatty, Brown of Contra Costa, Brown of Nevada, Buffum, Canmet, Chase, Clayton Coombs, Covarrubias, Cunningham of El Dorado, Dana, Doughty, Flournoy, Ferguson, Gober, Hunt, Johnson of El Dorado, Keys, Kinney, Lincoln, McCutchan, McConnell, McCurdy, Mellus, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Ryland, Stevens, Taylor, Watkins, Waite, Wells and Mr. Speaker—43.

So the motion was lost.

Messrs. Wells, Beatty and Stevens demanded the ayes and noes on the adoption of the resolution, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Adkison, Baker, Bates, Brewton, Buffum, Burke, Cory, Clayton, Coombs, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Hosmer, Hunt, Johnson of El Dorado, Kinney, Meredith, Murdock, Rodgers, Rowe, Stevenson, Sherrard, Singley, Stewart, Taylor, Updegraff, Waite, Whitney and Mr. Speaker—42.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Beatty, Brown of Contra Costa, Brown of Nevada, Covarrubias, Cunningham of El Dorado, Gober, Gragg, Keys, Lincoln, McCutchan, McCurdy, Mellus, Moreland, Oxley, Palmer, Phelps, Quinn, Ryland, Stevens, Smith of Marin, Taliaferro, Vineyard, Watkins and Wells—26.

So the resolution was adopted.

Mr. Farley moved to re-consider.

Mr. Stevenson moved to lay the motion on the table.

Lost.

Mr. Stow moved to indefinitely postpone.

Agreed to.

Mr. Meredith made the following reports:

Mr. Speaker:

The Joint Committee on Enrollment presented to Governor Bigler, for his approval, on Saturday, the 28th inst., the following Acts:

An Act to provide for the Government of the State Prison.

An Act to provide for annulling the Contract at present existing between the State of California and James M. Estill, Lessee for the keeping of the State Prison Convicts, made under an Act entitled an Act to provide for securing the State Prison Convicts, passed April 25, 1851, and an Act entitled an Act in relation to State Prison Convicts, passed April 10, 1852; also,

An Act entitled an Act amendatory of an Act to Fund the Debt of Contra Costa County, and provide for payment of the same.

H. B. MEREDITH,

Chairman.

April 30, 1855.

Mr. Speaker:

The Joint Committee on Enrollment have examined and find correctly enrolled, An Act for the relief of Joseph Mayer and Bernhard Mayer, also,

An Act to amend an Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges, passed March 30, 1853, also,

An Act to authorize the working of County Convicts in Sacramento County; also,

An Act to organize the County of Buena Vista; also,

An Act to regulate the Fire Department of the City of San Francisco; also,

An Act to authorize the Board of Trustees of the City of San Diego to convey to the President and Board of Directors of the San Diego and Gila Southern Pacific and Atlantic Railroad Company, two leagues of the Pueblo Lands to aid in the construction thereof; also,

An Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same; also,

An Act to re-incorporate the City of San Francisco.

H. B. MEREDITH,

Chairman.

The following messages were received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, April 28, 1855. }

To the Assembly of California:

I have this day approved the following Acts, which originated in the Assembly :

An Act concerning Roads and Highways

An Act to establish the Salaries of the Judges of the Thirteenth, Fourteenth, and Fifteenth Judicial Districts, and to define the Time for Holding Courts in said Districts

An Act to provide for the Sale of the Swamp and Overflowed Lands belonging to this State.

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }
Sacramento, April 30, 1855. }

To the Assembly of California:

I have this day approved the following Acts, which originated in the Assembly.

An Act amendatory of an Act entitled an Act to fund the Debt of Contra Costa County, and to provide for the payment of the same

An Act for the Relief of Joseph Mayer and Bernhard Mayer.

An Act to amend an Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges, passed March 30, 1855.

An Act to regulate the Fire Department of the City of San Francisco.

An Act to organize the County of Buena Vista.

An Act to authorize the Board of Trustees of the City of San Diego, to convey to the President and Board of Trustees of the San Diego and Gila Southern Pacific and Atlantic Railroad Company, two leagues of the Pueblo Lands, to aid in the construction thereof,

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }
Sacramento, April 30, 1855. }

To the Assembly of California:

An Act entitled "An Act to provide for annulling the Contract at present existing between the State of California and James M. Estill, Lessee for the keeping of the State Prison Convicts, made under an Act entitled 'An Act to provide for securing the State Prison Convicts,' passed April 25, 1851, and an Act entitled 'An Act in relation to State Prison Convicts,' passed April 10, 1852," is herewith returned to the House in which it originated, without approval.

In compliance with the Constitution, I deem it my duty briefly to set forth the reasons which influence my action in the premises.

It will be remembered that, in the year 1851, a contract was entered into between the State and General Vallejo, John C. Hays and General Estill, for the safe-keeping of the prisoners of the State. In the year 1852, Messrs. Hays and Vallejo were released from the contract, and the same renewed with General Estill, by which the present lessee became bound for the safe-keeping of the prisoners of the State, for the period of ten years; in consideration of which, the lessee was to be permitted to have the exclusive benefit of the labor of the convicts, under such rules and regulations as the Prison Inspectors might prescribe.

The said lessee was required to give a good and sufficient bond to the State, in the sum of one hundred thousand dollars, conditioned for the faithful performance of the contract.

At the date of the contract, it was believed to be not only just to all concerned, but highly beneficial to the State; for the reason that convicts would thus be securely imprisoned and punished, without expense or care to the State,

and that the lessee, receiving the profits of convict labor, would be more than reimbursed for his expenditures. Here, then, was a contract entered into, in good faith, between the State and one of her citizens, by which the former was relieved from the care and expense of keeping her convicts, and the latter was permitted to have such benefits as might accrue from their labor.

Now, however, it is proposed to pay the said lessee the sum of *one hundred thousand dollars*, in State bonds bearing an interest of seven per cent. per annum, for the privilege of annulling the contract, and *fifty thousand dollars* additional for machinery and improvements upon the prison grounds, to be paid for in brick and stone, to be delivered within two years, the product of convict labor, and equivalent to a like sum in cash or bonds of the State.

This is a large sum of money to be expended, unless the benefits arising therefrom be commensurate with the amount expended, and the condition of the finances of California is such, that it behooves the agents of the State to be well assured that such an outlay is demanded by the wants of the people or the exigencies of the case.

It is contended by some that the terms of the contract are such as to allow the lessee to transport prisoners to any part of the State, and that thereby the safety of persons and property is jeopardized—that the lessee is unable to prevent escapes, and that convicts cannot be restrained from committing depredations in certain parts of the State.

In answer to these arguments, it is proper to state that the contract expressly stipulates that the “lessee shall provide suitable and *secure prison ships* or vessels, properly arranged for the health and security of the convicts,” and that he shall “*keep the prisoners secure*”

If he fail to do this, then is the contract violated and forfeited; if he secure them, then is the necessity for annulling the contract at an end. The lessee is bound by his contract to *secure and keep safe* such prisoners as may be turned over to him. Where, then, is the necessity for expending one hundred and fifty thousand dollars to annul the contract? If the prisoners are “kept safe,” it is all the State desires; if not, then is the contract itself, in its most vital point, violated, and there exists neither reason nor argument for the payment of a *bonus* to the lessee for annulling it.

Whether the contract has been fulfilled to the letter or not, it is deemed unnecessary, in this communication, to inquire. I would, however, remark that the object of that contract was to provide for the security and punishment of State prisoners, and that its letter and spirit point to that end alone. If that has been complied with, the State never asked or desired more; if not, then it is in the power of the State to annul it and make other provision for the imprisonment of convicts. The appropriation of one hundred thousand dollars is, therefore, regarded by me as unnecessary, and I therefore deem it my duty to withhold my approval from an Act causing a useless increase of the State debt.

But the fact that one hundred thousand dollars are, as I believe, given away, without any actual equivalent, is not the only objection to the Act under consideration.

From and after the day on which this Act will take effect, the State will be compelled to receive and imprison, clothe, feed and guard the convicts. To do this, she must provide a great number of prison officers, wardens, guards, &c., and pay them from the State Treasury; build walls, erect cells, and construct additional prison buildings, suitable to accommodate and secure three or four hundred convicts, who will be cast upon her care by the approval of this Act. It is feared that, in order to assume, at this time, these responsibilities, and meet the demands of the case, an enormous expenditure would, necessarily, within the next year, have to be incurred, over and above the amount provided for in this Act, and the State be plunged, perhaps, irretrievably in debt.

For this privilege it is proposed in the Act herewith returned, to expend the sum of one hundred and fifty thousand dollars, and thus relieve the lessee from all further charge or responsibility, leaving to the State the full control and expense of keeping and securing the convicts.

If the contract be favorable to the lessee, let its stipulations, in all respects, be fulfilled, and there is no desire on the part of the people of the State to interfere with it. If, on the other hand, it be unfavorable, and he cannot comply with its provisions, then it would be the duty of the agents of the State to inquire into the expediency of releasing him from obligations voluntarily incurred; but I am constrained to interpose my serious objections to the appropriation, for such an object, of so vast a sum as one hundred thousand dollars.

The Act providing for the government of the State Prison, and which it would be necessary to approve if the Act herewith returned became a law, authorizes the salaries of the Directors, Physicians, Guards, and all other attaches, to be paid from the State Treasury, in case the prison funds should prove inadequate, and this, too, *without limitation as to amount*. Not only is rigid economy demanded by the condition of the finances of the State, but the experience of the past should admonish us of the danger of such a provision.

Agents of the State are now engaged in settling the affairs of another institution, the debts of which, contracted within the last year, it is confidently believed will amount to more than one hundred thousand dollars over and above the funds specially set apart by law for its support.

The State, heretofore, it is proper to remark, has not been regardless of the security of the convicts or the interests of the lessee. In 1853, an Act was passed under which a sum exceeding one hundred and fifty-three thousand dollars was expended in erecting a prison building, after having selected a suitable site, for which ten thousand dollars additional was paid. Almost the entire labor of this contract was performed by the convicts, under the direction of the present lessee, and for which he doubtless received adequate remuneration. And now it is proposed to pay one hundred thousand dollars, which, added to the above, will, including the fifty thousand dollars to be paid in brick and stone, make the sum of three hundred and three thousand dollars paid to the lessee and those associated with him, over and above the profits derived from the labor of the convicts. Add to this the aggregate amount of interest (seventy thousand dollars) which will have accrued on the bonds, if not paid till maturity, and we will have a total of *three hundred and seventy-three thousand dollars*.

It is proper here to state that there exists another grave and important objection to the Act herewith returned. Although a large sum of money is appropriated for the accomplishment of "*a single object*"—the cancellation of a contract made with a citizen of the State—no provision has been made, as required by the eighth article of the Constitution, to submit it to a vote of the people at the next general election. Believing that the Constitution requires Acts of this character to be submitted to a vote of the people at a general election, on the 28th instant I recommended the passage of a supplementary Act, submitting another law (the Wagon Road Act) to a vote of the people at the next general election, not doubting for a moment that the same would receive the endorsement of the Legislature. This Act, I regret to say, has thus far failed to receive the sanction of your honorable body.

Entertaining the opinion, not only that the Act herewith returned should be submitted to a vote of the people at the next general election, as required by article eight of the Constitution, but that, in view of our present financial condition, it is contrary to the true policy and best interests of the State, I feel compelled to withhold my approval.

Although I cannot sanction the Act herewith returned, for the reasons assigned in this communication, I am extremely anxious, as remarked in my annual message, that "means should be devised to remedy existing defects in the discipline, as well as in the building, so as to render escapes from the prison in future utterly hopeless," and will cheerfully approve a proper and constitutional enactment, if hereafter passed, for the annulment of the prison contract and the better management of the affairs of the prison.

A copy of a communication received last night from Samuel W. Haight, is herewith transmitted.

No reply, it is proper to state, has been made by me, for the reason that in matters concerning the State Prison, I can only confer with the lessee named in the law and the bond executed under it.

The subject is, therefore, again respectfully commended to your serious consideration.

It is at all times an unpleasant duty on the part of the Executive to disagree with the immediate representatives of the people, and especially when the question is one of such conceded importance as that now presented; but, in view of all the circumstances of the case, together with the fact that the Executive, equally with the Representative, is bound to guard well and truly, to the best of his ability, the interests of the people at large, to maintain the Constitution in its letter and spirit, and to sustain the laws, I feel constrained, by a sense of duty to the State, to return the Act above mentioned, without approval.

It is, perhaps, unnecessary for me here to remark, that the amount already appropriated for the civil expenses of Government and other purposes, is, in the aggregate, exceedingly large, and, if the extravagance which characterizes the Act herewith returned be not early checked, the finances of the State must be seriously affected and her credit destroyed.

Believing that this appropriation is not only unnecessary, but that it would form the foundation of a future debt and increased burthens on the people, from which we might, perhaps, only escape in repudiation and utter bankruptcy, I cannot sanction the Act herewith returned. These are no idle forebodings. The experience of the past admonishes us that economy in the administration of the Government and vigilance on the part of public servants will alone insure the prosperity of the State and her advancement to that high position to which she is justly entitled, and which, under the blessings of Heaven, she is destined to attain.

JOHN BIGLER.

The question being, shall the bill pass notwithstanding the veto of the Governor.

Mr. Kinney moved to lay the message and bill on the table

Messrs. Lincoln, Beatty, and Taliaferro, demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Baker, Bates, Brewton, Brown of Nevada, Chase, Clayton, Curtis, Dana, Doughty, Farley, Farwell, Ferrell, Flournoy, Foster, Gaver, Geller, Hosmer, Hunt, Kinney, McCurdy, Oxley, Rodgers, Rowe, Stevenson, Stewart, Taliaferro, Taylor, Updegraff, and Whitney—30.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Adkison, Beatty, Bogardus, Boles, Brown of Contra Costa, Cory, Coombs, Cook, Cunningham of El Dorado, Douglas, Edwards, Ferguson, Gaylord, Gober, Gragg, Johnson of El Dorado, Keys, Lincoln, McCutchan, McConnell, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Quinn, Ryland, Stevens, Sherrard, Smith of Nevada, Smith of Marin, Watkins, Waite, Wells, and Mr. Speaker—38.

Not agreed to.

Mr. Farley moved a call of the House.

Agreed to.

The roll being called, the following members were absent :

Messrs. Ashley, Brewton, Buffum, Burke, Johnston of San Francisco, Jones, Stevenson, Updegraff, and Vineyard.

Mr. Keys moved to suspend further proceedings under the call of the House.

Not agreed to.

On motion, Sergeant-at-Arms despatched for absentees.

Mr. Buffum appeared at the Bar, and was admitted by vote of the House ; also, Messrs. Ashley and Brewton.

Mr. Adkison moved to suspend further proceedings under the call of the House.

Not agreed to.

Mr. Buffum moved to suspend further proceedings under the call of the House.

Agreed to.

The question then recurred on the passage of the bill notwithstanding the veto of the Governor

The ayes and noes being called with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Baker, Bates, Brown of Nevada, Chase, Curtis, Dana, Douglas, Doughty, Edwards, Farwell, Ferrell, Flournoy, Foster, Gaver, Geller, Hunt, Johnston of San Francisco, Kinney, McCurdy, Oxley, Rodgers, Rowe, Smith of Marin, Stewart, Tuliaterro, Taylor, Whitney, and Mr. Speaker—29.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Ashley, Adkison, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Cory, Clayton, Coombs, Ferguson, Gaylord, Gober, Gragg, Johnson of El Dorado, Keys, Lincoln, McCutchan, McConnell, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Quinn, Ryland, Stevens, Sherrard, Smith of El Dorado, Watkins, Waite, and Wells—37.

So the bill was lost.

Mr. Oxley moved a call of the House.

Sustained.

The following members were absent:

Messrs. Boles, Burke, Cammet, Cunnigham of El Dorado, Cunningham of Sierra, Curtis, Farley, Farwell, Ferrell, Flournoy, Graves, Gragg, Hunt, Jones, Kinney, Knox, Lincoln, McConnell, Moreland, Phelps, Rowe, Stevens, Stevenson, Smith of El Dorado, Watkins, and Mr. Speaker.

The Sergeant-at-Arms dispatced after absentees.

Mr. Johnston moved to suspend the call.

Not agreed to.

Mr. Oxley moved to suspend the call.

Not agreed to.

Mr. Stevenson moved to suspend the call.

Agreed to.

Senate bill No. 192, An Act to provide for the selection of Lands donated by the United States to the State of California for the support of Common Schools and for the erection of Public Buildings.

Read first and second time and referred to Committee on Public Lands.

Mr. Taliaferro offered the following resolution:

Resolved, That if hercafter any member of this House shall absent himself from the House, without leave, for a longer time than ten minutes, the Speaker, on information, shall order his arrest by the Sergeant-at-Arms, and he shall remain under arrest until he pays a fine of ten dollars.

Mr. Quinn moved to indefinitely postpone.

Agreed to.

The following message was received from the Senate:

SENATE CHAMBER, April 30, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have appointed Messrs. Whiting, Kendall and McCoun as a Committee of Free Conference on Assembly bill to establish a permanent Boundary Line between Stanislaus and Tuolumne Counties, and respectfully ask the appointment of a similar Committee on the part of the House.

C. DICKINSON,
Secretary Senate.

Mr. Oxley offered the following resolution:

Resolved, That during the remainder of the present session, no member shall be entitled to speak more than three minutes at any one time.

Laid on the table.

The following message was received from the Senate:

SENATE CHAMBER, April 30, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have passed, this day, Assembly bill No. 348, An Act amendatory of and supplementary to an Act

entitled an Act to regulate the settlement of the Estates of Deceased Persons, with amendments as therein shown.

C. DICKINSON,
Secretary of Senate.

Assembly bill No. 296, An Act to provide for the redemption of California War Bonds previous to maturity.

Senate amendments concurred in.

Mr. Buffum offered the following resolution:

Resolved, That the State Treasurer be requested to inform us categorically whether there is any money in the General Fund of the Treasury, and if there is, how much.

Adopted.

Senate message reporting Assembly Concurrent Resolution in relation to adjournment.

Amended by striking out "Friday, the 4th day of May," and inserting "the 7th inst."

The Secretary of the Senate, on request of the Senate, was granted leave to correct a clerical error in Senate amendment to Assembly Joint Resolution of adjournment, being the same amendment just voted by the House.

Mr. Buffum moved the previous question.

Sustained.

The question then recurred on concurring in Senate amendments.

Upon which Messrs. Buffum, Oxley and Amyx demanded the ayes and noes with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Baker, Bates, Bogardus, Brewton, Brown of Nevada, Cory, Cook, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Ferrell, Flournoy, Foster, Ferguson, Gaver, Geller, Gragg, Hosmer, Meredith, Rodgers, Rowe, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Whitney and Mr. Speaker—38.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Ashley, Adkison, Beatty, Brown of Contra Costa, Clayton, Coombs, Cunningham of El Dorado, Farwell, Gaylord, Gober, Hunt, Keys, Kinney, Lincoln, McCutchan, McCurdy, Moreland, Oxley, Palmer, Phelps, Quinn, Ryland, Stevens, Watkins, Waite and Wells—27.

Mr. Stevenson moved to re consider.

Mr. Farley moved to indefinitely postpone.

Agreed to.

Chair decided that the vote just taken was on the first amendment of the Senate.

Mr. Flournoy appealed from the decision of the Chair.

Chair sustained.

The question then recurred on concurring in the last amendment of the Senate.

The ayes and noes being called, the following was the result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Arrington, Adkison, Baker, Bogardus, Brewton, Brown of Nevada, Buffum, Cory, Chase, Cook, Covarrubias, Cunningham of Sierra, Curtis, Douglas, Doughty, Edwards, Farley, Ferrell, Foster, Ferguson, Gaylord, Geller, Gragg, Hosmer, Hunt, Johnston of San Francisco, Keys, McCutchan, Meredith, Palmer, Rowe, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Taylor, Updegraff, Whitney and Mr. Speaker—42.

Those who voted in the negative were—

NOES.

Messrs. Ashley, Beatty, Brown of Contra Costa, Gober, Kinney, Knox, McCurdy, Moreland, Oxley, Phelps, Quinn, Ryland, Stevens, Watkins and Wells—15.

So the amendment was concurred in.

Mr. Stevenson moved to re-consider.

Mr. Taliaferro moved to indefinitely postpone.

Agreed to.

Mr. Kinney moved to take from the table resolution in relation to the State Prison.

Agreed to.

Mr. Stow moved to amend by adding "to refer to Select Joint Committee of five."

Agreed to.

Mr. Rowe moved to strike out all that part of the Resolution in reference to a wall.

Not agreed to.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 30, 1855. }

To the Assembly of California :

An Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act to provide for the sale of the interest of the State of California in the Property within the Water Line Front of the City of San Francisco,' as defined in and by an Act entitled 'An Act to provide for the disposition of

certain Property of the State of California,' passed March 20, 1851," is herewith returned to the House in which it originated, without approval.

The first section of this Act constitutes the Governor, Secretary of State and Controller of State, a Board of Commissioners to take the place and perform the duties of the present Board of State Land Commissioners, who were appointed under an Act approved May 18, 1853.

The third section authorizes the Board named in the first to appoint an agent and clerk, if by them deemed necessary.

The Board superseded by this Act was appointed for the term of two years, which term will expire in about thirty days from this date, after which no further services will by them be performed under the Act of 1853.

Since the passage of the Act herewith returned, I have conferred freely with members of the present Board, who assure me that all the property authorized to be sold under the existing law has been disposed of, and that all the business now remaining unsettled can and will be arranged by them before the day on which their present term of office will expire.

It is true that there is, within the city of San Francisco, a large amount of property belonging to the State, which should be sold and the proceeds paid into the treasury, but which cannot legally be disposed of without additional legislation on the subject.

It is also true that the Board, in their annual report, recommended the passage of another Act, authorizing the sale of additional property, but, the Legislature having failed to act in the premises, no additional property can be sold, and, consequently, there exists no necessity for the services of another Board or the officers which they are authorized to appoint.

Should any portion of the money now due to the State by purchasers, for property heretofore sold, remain unpaid after the expiration of the term of the present Board, the Treasurer of State is authorized by the existing law to receive and receipt for the same. This being the case, why appoint an agent, at considerable expense, to receive and pay money to the Treasurer, which he is now, by law, authorized to collect and receive?

Believing that there exists no necessity for the Board created by the Act, or the officers authorized, in the discretion of the Board, to be appointed, the Act is herewith returned to the House in which it originated, without approval.

Since the above was prepared I have received a communication from the present Board of Commissioners, a copy of which is herewith transmitted, and which I desire read in connection with this communication.

JOHN BIGLER.

SAN FRANCISCO, April 26, 1855.

To His Excellency, John Bigler, Governor of California :

In reply to your communication of 24th inst., asking for information in relation to the condition of the business of the Board, we beg leave respectfully to state that in our last annual report, made to the Legislature in January last, we informed that body that the sale of property then advertised to take place on the 18th of that month, included all the property authorized by the Act to be sold, and we added that the property not advertised required further legislation. We also recommended the Legislature to provide for the sale of other property, the proceeds of which would, in our opinion, greatly increase the revenue of the State. It will thus be seen that there are no duties that require the existence of any Board after the expiration of the term of the present Board, as we confidently believe that all responsible parties who have purchased the

State's interest in property, will come forward within that time, and pay up and receive their deeds.

We believe the money now due will all be paid before we leave office, but if there should be a failure in a few cases, the money could be paid to the Treasurer of State, who is now authorized to receive all moneys arising from sale of property.

Very respectfully,
Your obedient servants,

L. HERMANCE,
President.

GEO. O'DOHERTY,
JOHN S. LOVE,
JOSEPH HOPKINS,
LORING PICKERING,
Commissioners.

The question being shall the bill pass notwithstanding the veto of the Governor:

The ayes and noes being taken resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Ashley, Baker, Bates, Beatty, Bogardus, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Curtis, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Gragg, Johnson of El Dorado, Johnston of San Francisco, Keys, Lincoln, McCutchan, McConnell, McCurdy, Mellus, Meredith, Moreland, Oxley, Palmer, Phelps, Quinn, Rowe, Ryland, Stevens, Stevenson,, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Wells and Whitney—58.

Those who voted in the negative were—

NOES.

Messrs. Adkison, Buffum, Cammet, Chase and Kinney—5.

So the bill passed.

Mr. Farley moved to re-consider the vote of Saturday, by which the House passed Senate bill No. 240, An Act to provide for a Contingent Fund for the arrest of Fugitives from Justice.

Mr. Stevenson moved to indefinitely postpone the motion.

Pending which, on motion of Mr. Douglas, the House adjourned at 4 o'clock P. M.

IN ASSEMBLY.

TUESDAY, May 1, 1855.

House met pursuant to adjournment.

Speaker in the Chair.

The roll was called, and the following members were absent :

Messrs. Chase, Foster, Graves, Jones, and Taliaferro.

On motion, Mr. Foster was granted leave of absence for one day.

The Journal of yesterday was read and approved.

Mr. Phelps introduced the following resolution:

Resolved, That the Select Prison Committee be requested to give up to the Clerk of this Assembly all testimony taken by them in the investigation of the affairs of the State Prison, that the same may be read to the Assembly at 12 o'clock this day.

Adopted.

Assembly bill No. 348, An Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the Estates of Deceased Persons, passed May 1, 1851.

Taken up.

Senate amendments concurred in.

Assembly bill No. 377, An Act to organize the County of Remondo out of the County of San Francisco,

Taken up.

Mr. Taylor moved to indefinitely postpone.

Upon which Messrs. Farwell, Oxley and Vineyard demanded the ayes and noes with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Amyx, Bates, Brewton, Brown of Contra Costa, Clayton, Farley, Gaylord, Geller, Gragg, Kinney, McCurdy, Mellus, Murdock, Oxley, Phelps, Quinn, Rowe, Ryland, Taylor, Watkins and Whitney—22.

Those who voted in the negative were—

NOES.

Messrs. Baker, Beatty, Boles, Brown of Nevada, Buffum, Cory, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Douglas, Doughty, Edwards, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Johnson of El Dorado, Palmer, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Updegraff, Vineyard, Waite, Wells and Mr. Speaker—29.

So the motion was lost.

Bill was read a third time and passed.

Mr. Kinney reported the evidence, etc., taken by the State Prison Committee.

Referred to Select Committee, Messrs. Waite, Smith of Marin, Edwards and Ashley.

Assembly bill No. 286, An Act to regulate proceedings in the Recorder's Court of the City of San Francisco.

Taken from the file and indefinitely postponed.

On motion of Mr. Adkison, Senate bill No. 227, An Act to amend an Act entitled an Act to fix the times for holding the Terms of the District Courts throughout this State, passed May 18, 1853, was taken from the table.

Mr. Stow moved to strike out the fourth section.

Agreed to.

Bill read a third time and passed.

Mr. Stevenson offered the following resolution:

Resolved, By the Assembly, that the thanks of this House are hereby tendered to Major Anderson, Chief Clerk of the Assembly, J. W. Scobey, Assistant Clerk, and L. B. Hopkins, Copying Clerk, for the attentive and efficient discharge of the duties of their office.

Unanimously adopted.

On motion of Mr. Johnston, of San Francisco, Assembly bill No. 316, An Act in relation to Escheats, was taken from the table.

Substitute adopted.

Amended, considered engrossed, read third time.

On its passage, Messrs. Clayton, Johnston of San Francisco, and Brown of Nevada demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Adkison, Baker, Bates, Beatty, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cammet, Cory, Covarrubias, Curtis, Douglas, Edwards, Farley, Farwell, Ferrell, Ferguson, Gragg, Johnson of El Dorado, Johnston of San Francisco, McConnell, McCurdy, Meredith, Murdock, Palmer, Rowe, Ryland, Stevens, Sherrard, Singley, Taylor, Updegraff, Watkins and Whitney—38.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Ashley, Clayton, Moreland, Phelps, Quinn and Wells—7.

So the bill passed.

Mr. Brown of Nevada moved to adjourn.

Messrs. Ashley, Farwell and Taylor demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Baker, Beatty, Brewton, Brown of Nevada, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Douglas, Edwards, Ferguson, Gaver, Gaylord, Gragg, Johnson of El Dorado, Johnston of San Francisco, Keys, McCurdy, Mellus, Meredith, Moreland, Murdock, Quinn, Stevens, Sherrard, Stewart, Taylor, Updegraff, Watkins, Waite, Wells, Whitney and Mr. Speaker—33.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Arrington, Ashley, Adkison, Bates, Boles, Brown of Contra Costa, Buffum, Cammet, Cory, Coombs, Cook, Cunningham of El Dorado, Doughty, Farley, Farwell, Ferrell, Oxley, Palmer, Phelps, Rowe and Ryland—20.

So the House adjourned, at twelve o'clock, M.

IN ASSEMBLY.

WEDNESDAY, May 2, 1855.

House met pursuant to adjournment.

The Speaker in the Chair.

Roll called, and the following members were absent:

Messrs. Ashley, Cammet, Farwell, Graves, Jones, Knox, Phelps and Rodgers.

On motion, Mr. Phelps was granted leave of absence for two days.

The Journal of yesterday was read and approved.

On motion of Mr. Keys, the House took a recess till 2 o'clock, P. M., this day.

2 O'CLOCK, P. M.

House re-assembled.
Speaker in the Chair.

The following communication from the State Treasurer was received.*

On motion, referred to Select Committee of five, with instructions to report a resolution to this House in conformity with the information that may be obtained by them.

The Committee appointed are Messrs. Wells, Buffum, Johnston of El Dorado, Flournoy and Gaylord.

The following messages were received from the Senate :

SENATE CHAMBER, May 2, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on yesterday, pass, notwithstanding the veto of the Governor, Assembly bill No. 101, An Act supplementary to and amendatory of an Act entitled an Act to provide for the sale of the interest of the State of California in the property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, (passed March 26, 1851,) passed May 18, 1853, by the following vote : Ayes—20. Noes—9.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

SENATE CHAMBER, May 2, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on yesterday, pass the following :

Assembly bill No. 384, An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854; and, also, an Act which passed April 25, 1855, amendatory of the above recited Act; also,

Assembly bill No 124, An Act to authorize Joseph S. Wallis and Sarah Wallis to change the name of their infant son, Talbot Howard Green, to Talbot Howard Wallis; also,

Concurred in Assembly Concurrent Resolution relative to appointing a Joint Committee of five to report a bill providing for the construction of a Wall around the State Prison, and appointed Messrs. McFarland, Keene, Scellen, Mandeville and McCoun on the part of the Senate; also,

That the Senate receded from its amendment to Assembly bill No. 242, An Act to Fund the Debt of the County of San Diego, and provide for the payment of the same; also,

Passed Senate bill No. 12, An Act to amend an Act entitled an Act defining the time for commencing Civil Actions, passed April 22, 1850; also,

* See Appendix

Senate bill No. 67, An Act concerning State and County Treasurers; also, Senate bill No. 190, An Act to take the sense of the People of this State at the General Election in A. D., 1855, on the passage of a Prohibitory Liquor Law; also,

Passed Assembly bill No. 343, An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State; also,

Assembly bill No. 186, An Act to provide for the erection of a Jail in San Luis Obispo, with amendments as therein shown; also,

Assembly bill No. 135, An Act supplemental to an Act to regulate Elections, passed March 23, 1850; also,

That the Senate receded from its amendment to section first, No. 229, An Act to fix the compensation of District Attorneys for the several Counties of this State, and recommend the insertion in the first line of section first, the words, "Four thousand dollars."

Respectfully submitted,

C. DICKINSON,
Secretary Senate.

Senate bill No. 12, An Act to amend an Act entitled an Act defining the Time for commencing Civil Actions, passed April 22, 1850.

Read first and second time.

Mr. Buffum moved to indefinitely postpone.

Mr. Flournoy moved to refer to the Judiciary Committee.

Agreed to.

Senate bill No. 67, An Act concerning State and County Treasurers.

Read a first and second time and referred to Committee on Ways and Means. Senate bill No. 190.

Read three times.

The bill being put upon its passage,

Messrs. Buffum, Smith of Marin and Covarrubias demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Douglas, Doughty, Edwards, Farley, Flournoy, Foster, Ferguson, Gaylord, Geller, Gober, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Keys, McCurdy, McCutchan, McConnell, Mellus, Meredith, Moreland, Palmer, Quinn, Rowe, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Updegraff, Vineyard, Watkins, Waite, Wells, Whitney and Mr. Speaker—56.

Those who voted in the negative were—

NOES.

Messrs. Burke, Ferrell and Murdock—3.

So the bill was passed.

Assembly bill No. 186, An Act to provide for the erection of a Jail in the County of San Luis Obispo.

Taken up.

Senate amendments concurred in.

Assembly bill No. 229, An Act to fix the compensation of District Attorneys for the several Counties of this State.

Taken up.

The report of the Committee of Free Conference adopted.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 30, 1855. }

To the Assembly of California:

I have this day approved the following Act which originated in the Assembly, viz:

An Act amendatory of an Act entitled an Act to Fund the Debt of Contra Costa and provide for the payment of the same, approved February 14, A. D., 1855.

JOHN BIGLER.

Mr. Waite offered the following resolution:

Resolved, That the Sergeant-at-Arms be requested to inform the House by what authority any member of the Assembly, absent without leave, receives his per diem allowance.

Adopted.

Mr. Covarrubias offered the following resolution:

Resolved, That the State Printer be authorized to print, in pamphlet form, one thousand copies of the Act concerning the Organization of the Militia, for the use of the County Assessors and Volunteer Companies, to be distributed by the Quartermaster General.

Laid over under the rules.

On motion of Mr. Flournoy, the House adjourned at 4 o'clock, P. M., until 11 o'clock, A. M., to-morrow.

IN ASSEMBLY.

THURSDAY, May 3, 1855.

House met pursuant to adjournment.

Speaker in the chair.

Roll called and the following members were absent :

Messrs. Arrington and Cook.

The Journal of yesterday was read and approved.

Mr. Murdock verbally reported Senate bill No. 67, An Act concerning State and County Treasurers.

Read three times and passed.

The following communication was read, from the Sergeant-at-Arms.

SACRAMENTO, May 2, 1855.

To the Speaker of the Assembly:

In answer to a resolution, which passed on yesterday, requesting me to inform the Assembly by what authority absent members receive their per diem, I report :

That, early in your present session, you required me, by resolution, to keep and settle the accounts of the members of the Assembly, with the Controller, which I have done, to the best of my ability.

I have no way of knowing who of the members are absent, except when there is a call of the House. I have not been informed, officially, that any members have absented themselves, without leave of the Assembly.

Very respectfully,

BLANTON McALPIN,
Sergeant-at-Arms.

The following message was received from the Senate :

SENATE CHAMBER, May 3, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate did, on yesterday, pass the following bills:

Senate bill No. 122, An Act to provide for the better regulation of Steam-boats navigating the Waters of this State, and define the liability of Owners thereof.

Senate bill No. 215, An Act amendatory of and supplementary to an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April 29, 1851.

Also, passed Senate bill No. 32, with an amendment.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Senate bill No. 122, above reported.

Read first and second time and referred to Committee on Commerce and Navigation.

Senate bill No. 215, above reported.

Read first and second time and referred to Judiciary Committee.

Mr. Johnston of San Francisco, presented Exhibit A, of papers on file, from the San Francisco Land Commissioners.

Ordered printed.

The resolution of Mr. Covarrubias with regard to printing Military Law, which laid over under the rule from yesterday.

Taken up, and 240 copies of the law ordered printed.

Assembly bill No 32, An Act to authorize J. R. N. Owen of Butte County, to demand and collect Tolls on what is known as Owen's Turnpike in said County.

Taken up.

Senate amendments concurred in.

Mr. Ryland moved to take the supplementary Road Bill from the file.

Pending which, on motion of Mr. Stevenson, House took a recess till 2 o'clock P. M.

2 O'CLOCK, P. M.

House re-assembled.

The bill reported by the Committee on Internal Improvements, An Act supplementary to an Act to provide for the survey and construction of a Wagon Road across the Sierra Nevada Mountains, and to provide for taking a vote of the people on the issue of State Bonds for that purpose; in accordance with Mr. Ryland's motion, was taken up.

Read first and second time.

Mr. Rowe moved to indefinitely postpone.

Mr. Farwell moved to re-commit to Special Committee of five.

Mr. Oxley moved to re-commit to Committee on Roads and Highways.

Not agreed to.

The question then recurred on Mr. Farwell's motion.

Agreed to, with the following instructions:

To amend so as to make an appropriation for the Northern Route, known as Noble's Pass, and to submit the three bills making appropriations for Wagon Roads, to the people.

Messrs. Farwell, Rowe, Johnson of El Dorado, Ryland and Ferrell, the Committee.

The Speaker presented an anonymous letter which had been laid on his desk. The Clerk proceeded to read.

Mr. Oxley moved to dispense with the reading.

Upon which Messrs. Amyx, Flournoy and Rowe demanded the ayes and noes with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Bates, Beatty, Cory, Clayton, Cook, Covarrubias, Curtis, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Hosmer, Hunt, Johnston of San Francisco, McCurdy, Mellus, Murdock, Oxley, Palmer, Quinn, Rodgers, Rowe, Ryland, Stevenson, Smith of El Dorado, Stewart, Taliaferro, Waite and Mr. Speaker—35.

Those who voted in the negative were—

NOES.

Messrs. Adkison, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Cammet, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Douglas, Geller, Gober, Gragg, Keys, Lincoln, McCutchan, McConnell, Meredith, Moreland, Phelps, Stevens, Sherrard, Singley, Updegraff, Watkins, Wells and Whitney—28.

So the reading was dispensed with.

Mr. Cammet moved to adjourn.
Not agreed to.

The following message was received from the Senate :

SENATE CHAMBER, May 3, 1855.

Mr. Speaker.

I am directed to inform the Assembly that the Senate have, this day, passed Senate bill No. 247, An Act to repeal an Act concerning the collection of Taxes now due in the County of Marin.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Senate bill No. 247, above reported.

Taken up.

Read three times and passed.

Mr. Waite, from Select Committee, agreeable to instructions, verbally reported a bill for an Act to annul the contract made under an Act to provide for securing the State Prison Convicts, passed April 25, 1851, and an Act entitled an Act in relation to State Prison Convicts, passed April 10, 1852, between the State of California and James M. Estill, Lessee, for the keeping of the State Prison Convicts, and to provide means for the employment, security and sustenance of said Convicts.

Read first time.

On motion of Mr. Flournoy, House adjourned at 3 o'clock and 20 minutes, P. M.

IN ASSEMBLY.

FRIDAY, May 4, 1855.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called, and the following members were absent :

Messrs. Graves, Jones and Knox.

The Journal of yesterday was read and approved.

Mr. Watkins moved to rescind the resolution by which the House, on yesterday, ordered two hundred and forty copies of the Exhibit A. of the San Francisco Land Commissioners.

Agreed to.

Mr. Meredith made the following report:

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled the following Acts:

An Act amendatory of and supplementary to an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851.

An Act to provide for the Redemption of California War Bonds previous to maturity.

An Act supplemental to an Act to regulate Elections, passed March 23, 1850.

An Act to authorize Joseph S. Wallis and Sarah Wallis to change the name of their infant son, Talbot Howard Green to Talbot Howard Wallis.

H. B. MEREDITH,
Chairman.

The Speaker presented a communication from J. T. Hall, in reference to State Prison convicts.

Read and laid on the table.

Assembly bill No. 391, An Act to annul the Contract made under an Act to provide for securing the State Prison Convicts, passed April 25, 1851, and an Act entitled an Act in relation to State Prison Convicts, passed April 10, 1852, between the State of California and James M. Estill, Lessee for the keeping of the State Prison Convicts, and to provide means for the Employment, Security and Sustenance of said Convicts.

Mr. Smith, of Marin, moved to lay on the table.

Messrs. Waite, Arrington and Amyx demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Brown of Nevada, Buffum, Cammet, Cunningham of Sierra, Curtis, Dana, Edwards, Foster, Hosmer, Kinney, Rodgers, Smith of Marin, Wells and Whitney—14.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Arrington, Ashley, Adkison, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Burke, Cory, Clayton, Coombs, Covarrubias, Cunningham of El Dorado, Douglas, Doughty, Ferguson, Gaver, Gaylord, Geller, Gober, Gragg, Johnson of El Dorado, Keys, McConnell, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Rowe, Stevens, Stevenson, Singley, Smith of El Dorado, Updegraff, Watkins, Waite and Mr. Speaker—46.

So the motion was lost.

On motion of Mr. Cunningham, of El Dorado, the House resolved itself into Committee of the Whole, Mr. Wells in the Chair, to consider the bill.

After some time spent in the consideration of the bill, the Committee rose, reported, recommended and were discharged.

Mr. Kinney offered a substitute for the bill.

Mr. Flournoy moved to lay on the table.

Messrs. Watkins, Moreland and Arrington demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Adkison, Bates, Brewton, Buffum, Cory, Chase, Covarrubias, Curtis, Douglas, Doughty, Edwards, Farley, Farwell, Flournoy, Foster, Gaver, Hosmer, Hunt, Kinney, McCurdy, Meredith, Oxley, Rodgers, Rowe, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Vineyard and Mr. Speaker—34.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Beatty, Bogardus, Boles, Brown of Contra Costa, Burke, Cammet, Clayton, Coombs, Ferrell, Ferguson, Gaylord, Geller, Gober, Gragg, McCutchan, McConnell, Mellus, Moreland, Palmer, Phelps, Quinn, Ryland, Stevens, Watkins, Waite and Wells—29.

So the bill and substitute were laid on the table.

The following message was received from the Senate:

SENATE CHAMBER, May 4, 1855

Mr. Speaker :

The Senate did, on this day, pass Senate bill 253, An Act to provide for the occupation of the State Prison Convicts.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Senate bill No. 253, above reported.

Read first time.

Mr. Smith, of Marin, moved to suspend the rules and read the bill a second time.

Upon which Messrs. Moreland, Boles and Gober demanded the ayes and noes with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Baker, Bates, Beatty, Brown of Nevada, Buffum, Cory, Chase, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Douglas, Edwards, Farley, Farwell, Flourney, Foster, Hosmer, Hunt, Johnston of San Francisco, Kinney, McCurdy, Meredith, Murdock, Oxley, Rodgers, Rowe, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Vineyard, Whitney and Mr. Speaker—36.

Those who voted in the negative were—

NOES.

Meessrs. Andrews, Amyx, Arrington, Ashley, Adkison, Bogardus, Boles, Brown of Contra Costa, Burke, Clayton, Coombs, Doughty, Ferrell, Ferguson, Gaver, Gaylord, Geller, Gober, Gragg, Keys, Lincoln, McCutchan, McConnell, Mellus, Moreland, Palmer, Phelps, Quinn, Ryland, Stevens, Sherrard, Watkins, Waite and Wells—34.

So the motion was lost.

Mr. Meredith made the following report :

Mr. Speaker:

The Joint Committee on Enrollment presented to Governor Bigler, for his approval, this day, An Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the Estates of Deceased Persons, passed May 1, 1851; also,

An Act to provide for the redemption of California War Bonds previous to maturity; also,

An Act supplemental to an Act to regulate Elections, passed March 23, 1850; also,

An Act to authorize Joseph S. Wallis and Sarah Wallis to change the name of their infant son, Talbot Howard Green, to Talbot Howard Wallis.

H. B. MEREDITH,
Chairman.

The following messages were received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, May 3, 1855. }

To the Assembly of California :

I have this day approved an Act which originated in the Assembly, entitled an Act to establish, support and regulate Common Schools, and to repeal former Acts amending the same.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento, May 4, 1855. }

To the Assembly of California :

I have this day approved the following Acts, which originated in the Assembly :

An Act to provide for the redemption of California War Bonds previous to their maturity.

An Act to authorize Joseph S. Wallis and Sarah Wallis to change the name of their infant son, Talbot Howard Green, to Talbot Howard Wallis.

JOHN BIGLER.

The following message was received from the Senate :

SENATE CHAMBER, May 4, 1855.

Mr. Speaker :

The Senate this day passed Senate bill No. 251, An Act explanatory of and supplemental to an Act entitled an Act to re-incorporate the City of San Francisco.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Senate bill No. 251, above reported.
Read three times and passed.

The following message was received from the Senate:

SENATE CHAMBER, May 4, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate, this day, concurred with the report of the Committee of Free Conference on Assembly bill No. 352, An Act to establish a permanent Boundary Line between the Counties of Stanislaus and Tuolumne, and adopted the additional section as reported by the Committee, which is herewith appended.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Assembly bill No. 352, above reported.

Mr. Amyx moved to lay on the table.

Not agreed to.

The report of the Committee of Conference, with the amendment, was concurred in.

Mr. Douglas moved to take from the table Assembly bill No. 94, An Act for the better protection of Settlers.

Upon which Messrs. Douglas, Amyx and Oxley demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Amyx, Adkison, Baker, Bates, Beatty, Boles, Brewton, Burke, Cory, Cunningham of El Dorado, Douglas, Doughty, Farley, Foster, Ferguson, Geller, Gragg, Hosmer, Keys, Kinney, Lincoln, McCutchan, Meredith, Murdock, Palmer, Quinn, Rowe, Stevens, Sherrard, Singley, Stewart, Vineyard, Watkins and Mr. Speaker—34.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Arrington, Ashley, Bogardus, Cammet, Chase, Clayton, Coombs, Covarrubias, Edwards, Hunt, Johnson of El Dorado, McCurdy, Mellus, Oxley, Phelps, Rodgers, Ryland, Stevenson, Taliaferro and Waite—21.

So the bill was taken from the table.

Mr. Douglas presented a petition from 700 citizens of San Joaquin County, praying for the passage of a law to remunerate Settlers for their improvements on certain lands.

Read.

Mr. Dana moved a call of the House.

Agreed to.

Roll being called the following members were absent:

Messrs. Bogardus, Brown of Contra Costa, Brown of Nevada, Cook, Cun-

ningham of Sierra, Farwell, Graves, Jones, Knox, McConnell, Moreland, Quinn, Smith of Marin, Taylor, Updegraff, Wells and Whitney.

Messrs Stevens, Quinn, Buffum, Lincoln, Whitney and Moreland appeared at the bar and were admitted.

Mr. Cammet moved to dispense with further proceedings under the call.

Not agreed to.

Mr. Ryland moved to dispense with further proceedings under the call.

Agreed to.

Mr. Ryland moved to lay the bill on the table.

Upon which Messrs. Douglas, Amyx and Taliaferro demanded the ayes and noes with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Brown of Contra Costa, Cory, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Dana, Edwards, Ferrell, Flournoy, Gober, Hunt, Johnson of El Dorado, Kinney, McConnell, McCurdy, Mellus, Moreland, Oxley, Phelps, Rodgers, Ryland, Stevenson, Smith of El Dorado, Taliaferro and Wells—28.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Adkison, Baker, Bates, Beatty, Brewton, Buffum, Burke, Chase, Curtis, Douglas, Doughty, Farley, Foster, Ferguson, Geller, Gragg, Hosmer, Keys, McCutchan, Meredith, Murdock, Palmer, Rowe, Stevens, Sherard, Singley, Stewart, Vineyard, Watkins, Waite, Whitney and Speaker—34.

So the motion was lost.

The question then recurred on the adoption of the substitute.

Upon which Messrs. Doughty, Amyx and Douglas demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Arrington, Brown of Contra Costa, Clayton, Coombs, Covarrubias, Dana, Edwards, Ferrell, Flournoy, Gober, Hunt, Johnson of El Dorado, McCurdy, Mellus, Moreland, Rodgers, Ryland, Stevenson and Waite—20.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Baker, Beatty, Brewton, Cory, Douglas, Doughty, Farley, Foster, Geller, Gragg, Keys, Kinney, Lincoln, McCutchan, Meredith, Murdock,

Palmer, Stevens, Sherrard, Singley, Taliaferro, Vineyard, Watkins and Wells—25.

So the substitute was lost.

Mr. Mellus moved to adjourn.

Messrs. Doughty, Mellus and Beatty demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Ashley, Brown of Contra Costa, Clayton, Coombs, Covarrubias, Ferrell, Flournoy, Gober, Hunt, Johnson of El Dorado, Kinney, McCurdy, Mellus, Moreland, Rodgers, Ryland, Vineyard, Waite, Wells and Whitney—21.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Baker, Beatty, Bogardus, Brewton, Buffum, Cory, Curtis, Douglas, Doughty, Farley, Farwell, Foster, Gaver, Geller, Gragg, Keys, Meredith, Palmer, Quinn, Stevens, Stevenson, Sherrard, Singley, Stewart, Taliaferro, and Watkins—28.

So the House refused to adjourn.

Mr. Douglas moved the previous question.

Not agreed to.

Mr. Stevenson moved to take a recess until six o'clock P. M.

Not agreed to.

Mr. Ferrell moved to strike out of the thirteenth section, all after the word "thereon."

Pending which, on motion of Mr. Hunt, the House adjourned, at fifteen minutes before three o'clock, P. M.

IN ASSEMBLY.

SATURDAY, May 5, 1855.

House met pursuant to adjournment.

Speaker in the Chair.

The roll was called, and the following members were absent :

Messrs. Gaver, Graves, Jones, Knox and Taylor.

The Journal of yesterday was read and approved.

Mr. Meredith made the following report:

Mr. Speaker:

The Joint Committee on Enrollment have examined and found correctly enrolled, an Act to fix the compensation of District Attorneys for the several Counties of this State; also,

An Act to establish a permanent Boundary Line between the Counties of Stanislaus and Tuolumne; also,

An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in Courts of Justice of this State; also,

An Act to Fund the Debt of the County of San Diego, and provide for the payment of the same.

H. B. MEREDITH,

Chairman.

Senate bill No. 253, An Act to provide for the occupation of the State Prison Convicts.

Taken up and read second time.

The following message was received from the Senate:

SENATE CHAMBER, May 5, 1855.

Mr. Speaker:

The Senate have, this day, passed Assembly bill No. 338, An Act to prevent the improper and criminal use of Deadly Weapons; also,

Assembly bill No. 81, An Act to legalize certain Records in San Luis Obispo County, with amendments as shown therein; also,

Assembly bill No. 110, An Act supplementary to an Act entitled an Act to regulate Elections, passed March 23, 1850; also,

Assembly bill No. 297, An Act to authorize the acts of the County Recorder of the County of San Diego while acting as County Auditor since the third day of May, 1852; also,

Assembly bill No. 130, An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

Respectfully submitted,

C. DICKINSON,

Secretary of Senate.

Assembly bill No. 130, An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

Taken up.

Senate amendments concurred in.

Assembly bill No. 81, An Act to legalize certain Records in San Luis Obispo.

Taken up.

Senate amendments concurred in.

The following messages were received from the Senate:

SENATE CHAMBER, May 5, 1855.

Mr. Speaker :

The Senate have this day refused to concur in the Assembly amendments to Senate bill No. 215, An Act amendatory of and supplementary to an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, and have appointed as Committee of Free Conference, Messrs. Sprague, Tuttle, and Leake, on the part of the Senate, and ask the appointment of a similar Committee on the part of the Assembly.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

House Committee, as above requested, are Messrs. Ryland, Ashley and Edwards.

SENATE CHAMBER, May 5, 1855.

Mr. Speaker :

The Senate have, this day, concurred in Assembly amendments to Senate bill No. 192, An Act to provide for the selection of Land donated by the United States to the State of California for the support of Common Schools and for the erection of Public Buildings.

C. DICKINSON,
Secretary of Senate.

SENATE CHAMBER, May 5, 1855.

Mr. Speaker:

The Senate, this day, passed Assembly bill No. 319, An Act for the Relief of Mrs. Annie V. R. Wells.

Respectfully submitted,

C. DICKINSON,
Secretary Senate.

SENATE CHAMBER, May 5, 1855.

Mr. Speaker :

The Senate have, this day, passed Assembly bill No. 182, An Act amendatory of an Act passed May 15, 1854, entitled an Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

SENATE CHAMBER, May 5, 1855.

Mr. Speaker:

The Senate have, this day, passed Assembly bill No. 333, An Act to relocate the County Seat of Yolo County by the qualified voters of said County.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

SENATE CHAMBER, May 5, 1855.

Mr. Speaker:

The Senate passed, this day, Assembly bill No. 357, An Act to legalize the City of San Francisco, for the fiscal year 1854 and 1855.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

SENATE CHAMBER, May 4, 1855.

Mr. Speaker :

The Senate have this day passed Assembly bill No. 298, entitled An Act to create a Board of Supervisors for the County of San Diego, and to define their Duties, approved May 3, 1852; also,

Assembly bill No. 339, An Act to authorize the Board of Trustees of the City of San Diego to make Regulations to prohibit the Obstruction or placing of Rubbish, or Filth, or slaughtering of Animals in the Streets and Alleys of that part of said City known as Old San Diego, and for sweeping and cleaning the Plaza thereof.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

SENATE CHAMBER, May 4, 1855.

Mr. Speaker :

The Senate this day passed Senate bill No. 252, An Act supplementary to an Act entitled an Act to separate the Office of Collector of Taxes from the Office of Sheriff of the County of Yuba, passed April 27, 1855.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Senate bill No. 252, An Act supplementary to an Act entitled an Act to separate the Office of Collector of Taxes from the Office of Sheriff of the County of Yuba, passed April 27, 1855.

Declared out of order, under the resolution preventing the introduction of new business.

The following message was received from the Senate:

SENATE CHAMBER, May 5, 1855.

Mr. Speaker :

The Senate passed, on yesterday, Assembly bill No. 181, An Act to provide for Funding the Floating Debt of the City of San Francisco, and for the Extinguishment thereof.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Assembly bill No. 181, An Act to provide for Funding the Floating Debt of the City of San Francisco, and for the Extinguishment thereof, was taken up.

Senate amendments concurred in.

Mr. Johnston, of San Francisco, moved to re-consider the vote just taken, by which Senate amendments were concurred in.

Mr. Farley moved to indefinitely postpone the motion.

Agreed to.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, May 4, 1855. }

To the Assembly of California:

I have this day approved the following Acts, which originated in the Assembly, viz:

An Act to establish a permanent Boundary Line between the Counties of Stanislaus and Tuolumne.

An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in Courts of Justice of this State.

An Act to fund the Debt of the County of San Diego and provide for the Payment of the same.

An Act to fix the Compensation of District Attorneys for the several Counties of the State.

JOHN BIGLER.

Mr. Buffum verbally reported back Senate bill No. 122, An Act to provide for the better Regulation of Steamboats navigating the Waters of this State, and to define the liability of Owners thereof, without recommendation.

Mr. Doughty made the following report:

Mr. Speaker :

The Committee on Public Lands, to whom was referred Senate bill No. 192, An Act to provide for the Selection of Lands donated by the United States to the State of California for the Support of Common Schools and for the Erection of Public Buildings, have had the same under consideration, and respectfully recommend its passage, after being amended as annexed.

DOUGHTY,
Chairman.

Senate bill No. 192, An Act to provide for the Selection of Lands donated by the United States to the State of California for the Support of Common Schools and for the Erection of Public Buildings, above reported, was taken up.

Committee amendments concurred in.
Read three times and passed.

The following communication was received from General Estill:

To the Hon. the Legislature of the State of California :

GENTLEMEN :

Having given up all hopes of receiving any assistance from the State, so as to enable me to secure the State Prison convicts, it is proper that I should make known to you the impending danger, and thus enable you to provide against it. At the time the contract was made, in 1851, no one supposed that the number of convicts would have increased to more than four hundred in four years, nor was it anticipated that the State would so long have deferred the erection of a prison building; for, at that session of the Legislature, the ground on which the building was to be placed was already selected at Vallejo. Nothing further was done, however, until the next year, when an abortive effort was made to commence the building, and the location was changed. In 1853, an appropriation was made, and, during the latter part of that year, the building was finished and occupied by the prisoners.

During all this time, I had fully complied with the provisions of the contract by which I was required to keep "suitable temporary buildings," or "suitable and secure prison ships," for securely keeping the convicts. This I was bound to do, "until the State shall build the State Prison;" but, when the prison was built, I was no longer required to do so. It then became the duty of the State to furnish buildings, as fast as the increasing numbers of the convicts

might require more room. This has not been done; and the enormous expense imposed upon me, in consequence of being compelled to keep a strong guard constantly on the ground, to keep the prisoners from escaping, has been ruinous. If the State had furnished buildings, I should have had no reason to complain; but, after refusing to take the contract and pay me a portion of the losses sustained by me through her non-compliance with the conditions, and going still further, and refusing to put up buildings in which to secure the convicts, there is but one alternative left me, and that is to receive no more prisoners.

I am driven to this by stern necessity, after having involved myself in pecuniary ruin to do that which no Court of Justice would ever have compelled me to do. If you are willing to do that which will render the criminal laws a dead letter on the statute book, it is your constituents to whom you must render the account. I will keep, if I can, as many of the prisoners as there is room for in the building erected by the State. The others must take care of themselves; and, if robberies, murders and other depredations should be committed on the community, it is to you, gentlemen of the Legislature, who have constantly opposed my settlement of this business, and to the Governor of the State, that the community must look for redress. I can do no more than I have already proposed, and this I wish to be distinctly understood, viz :

No more convicts will be kept by me than can be secured in the prison building, and such as I may be able to hire out.

There is but slight hopes even of being able to do this. The guards have already signified their intention to quit; and attachments having been levied on all the property belonging to me for debts incurred in keeping the prisoners, it may soon be out of my power to do anything. If, however, I determine to receive the convicts, in order to comply with the law, and afford relief to the Sheriffs for their transportation, they will immediately be turned loose, which, on being generally known, will afford every facility for the thief and none to the honest citizen. It will be an encouragement and protection given to the dishonest over the honest man. A single thief might, by a plea of guilty, have half a dozen sentences in a single year, as he would not be retained a day after he was incarcerated.

This is an important epoch in the history of our State. Weak or prejudicial minds are unable to grapple with it; they lose sight of the overwhelming importance of the subject in attempts to strike at the original contract.

The safety of their fellow citizens should weigh far greater in their minds than the desire to break down any particular man, or destroy any particular system. With me, the greatest desire I have is the public safety. All other considerations, at this moment, are lost sight of, and I only regret that I cannot impress the members of the Legislature with the awful responsibility that hangs around this dreadful subject.

On the receipt of the Governor's veto at San Francisco, the creditors of the State Prison attached everything belonging to the company, which must result in turning the whole of these desperate villains again on the community. This may be fun for those who live at a distance from the scenes of these depredations, but it is horrible to the citizens who live in proximity to the State Prison, and *worse than death* to many virtuous females who now live in fancied security in the adjoining Counties.

J. M. ESTILL,
Lessee State Prison.

Mr. Ryland, from the Judiciary Committee, made the following report:

Mr. Speaker :

The Judiciary Committee having amended Senate bill No. 215, by striking out all after the fourth section, except section nine, recommend its passage.

C. T. RYLAND,
Of Committee.

Senate bill No. 215, An Act amendatory of and supplementary to an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, aboved reported.

Taken up.

Committee amendments concurred in.

Read third time and passed.

Mr. Edwards verbally reported Senate bill No. 12, An Act to amend an Act entitled an Act defining the time for commencing Civil Actions, passed April 22, 1850.

Indefinitely postponed.

Mr. Buffum offered the following resolution:

Resolved, (by the Assembly, the Senate concurring,) That the Concurrent Resolution passed on ———, requiring the State Treasurer to pay cash upon the Controller's Warrants issued to members of the Legislature, only to the members to whom they were issued, or when accompanied by a power of attorney, be and the same is hereby rescinded.

Objections being made,

The Chair decided the resolution to be out of order.

Mr. Rowe appealed from the decision of the Chair.

The question being, shall the decision of the Chair be sustained.

Messrs. Hosmer, Ashley and Arrington demanded the ayes and noes.

Mr. Oxley moved the previous question.

Sustained.

The question then recurred on the appeal.

The ayes and noes were demanded and resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Arrington, Ashley, Adkison, Baker, Beatty, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Cammet, Cory, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Edwards, Farwell, Flournoy, Gober, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Keys, Kinney, Lincoln, McConnell, McCurdy, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Rodgers, Ryland, Stevens, Sherrard, Updegraff, Watkins, Waite and Wells—48.

Those who voted in the negative were—

NOES.

Messrs. Buffum, Cunningham of El Dorado, Curtis, Douglas, Doughty, Far-

ley, Ferrell, Foster, Ferguson, Gaver, Geller, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro and Vineyard—18.

So the decision of the Chair was sustained.

Mr. Buffum asked leave to enter his protest on the Journal, against the action of the House on the resolution relative to the resolution instructing the State Treasurer to pay cash to members only, on warrants issued under the "thousand dollar" appropriation.

Refused.

Mr. Oxley offered the following resolution:

Resolved, That the Assistant Enrolling Clerk and Assistant Engrossing Clerk of the Assembly be hereby allowed the same time and per diem since their appointment, as the Enrolling and Engrossing Clerks.

Mr. McCutchan moved to amend by striking out "time."

Mr. Quinn moved to indefinitely postpone.

Upon which Messrs. Quinn, Gober and Watkins demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Adkison, Boles, Cammet, Cory, Cunningham of El Dorado, Edwards, Ferguson, Gober, Gragg, Kinney, Lincoln, McCutchan, Phelps, Quinn, Ryland, Stevens, Stevenson, Smith of El Dorado, Taliaferro, Updegraff, Watkins, Wells and Whitney—24.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Baker, Bates, Brewton, Brown of Nevada, Chase, Coombs, Cook, Covarrubias, Curtis, Douglas, Doughty, Ferrell, Flournoy, Gaver, Gaylord, Geller, Hosmer, Hunt, Johnston of San Francisco, McCurdy, Mellus, Meredith, Oxley, Sherrard, Stewart, Vineyard and Mr. Speaker—28.

So the motion to indefinitely postpone was lost.

On motion of Mr. Gober, the resolution was laid on the table.

On motion of Mr. Keys, Assembly bill No. 391, An Act to annul the contract made under an Act to provide for securing the State Prison Convicts, passed April 25, 1851, and an Act entitled an Act in relation to State Prison Convicts, passed April 10, 1852, between the State of California and James M. Estill, Lessee for the keeping of the State Prison Convicts, and to provide means for the employment, security and sustenance of said convicts, was taken up.

Mr. Flournoy moved a call of the House.

Sustained.

The roll being called, the following members were absent:

Messrs. Ashley, Adkison, Baker, Bogardus, Boles, Brown of Nevada, Buffum, Burke, Cammet, Dana, Douglas, Farley, Geller, Graves, Jones, Knox, McCurdy, McCutchan, Oxley, Sherrard, Taylor, Vineyard and Wells.

The Sergeant-at-Arms was dispatched for absentees.

On motion of Mr. Stow, further proceedings under the call were dispensed with.

On motion of Mr. Stow, Senate bill No. 253, An Act to provide for the occupation of the State Prison Convicts, was taken up.

Mr. Stow moved to strike out all after the enacting clause, and insert all after the enacting clause of Assembly bill No. 391.

Agreed to.

The bill was further amended, and,

On motion of Mr. Stow, re-committed to Special Committee of three, Messrs. Edwards, Waite and Ashley, with instructions to report this evening.

The following message was received from the Senate :

SENATE CHAMBER, May 5, 1855.

Mr. Speaker :

The Senate have, this day, passed Assembly bill No. 274, An Act to amend an Act concerning Courts of Justice of this State and Judicial Officers, passed May 19, 1853, with amendments as shown therein.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

Assembly bill No. 274, reported above, was taken up.

Senate amendments concurred in.

Senate bill No. 254 was taken up.

Read first and second time.

House resolved itself into Committee of the Whole, Mr. Taliaferro in the Chair, to consider the bill.

Committee rose, reported, recommended and were discharged.

Mr. Flournoy moved to suspend the rules and read the bill a third time.

Messrs. Watkins, Quinn and Amyx demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Adkison, Baker, Bates, Beatty, Buffum, Cory, Chase, Clayton, Coombs, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCurdy, Mellus, Meredith, Rodgers, Rowe, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Updegraff, Vineyard, Waite, Wells, Whitney and Mr. Speaker—50.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Bogardus, Brown of Contra Costa, Cook, Cunningham of El Dorado, Gober, McCutchan, Moreland, Murdock, Palmer, Quinn, Ryland, Stevens and Watkins—14.

So the rules were suspended and the bill read a third time.

On the passage of the bill,

Messrs Wells, Stevens and Palmer demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Adkison, Baker, Bates, Beatty, Buffum, Cory, Chase, Clayton, Coombs, Covarrubias, Cunningham, of Sierra, Curtis, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Flourney, Foster, Ferguson, Gaver, Gaylord, Geller, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCurdy, Mellus, Meredith, Rodgers, Rowe, Stevenson, Sherrard, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Updegraff, Vineyard, Whitney and Mr. Speaker—45.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Ashley, Bogardus, Brown of Contra Costa, Cook, Cunningham of El Dorado, Gober, McCutchan, Moreland, Murdock, Palmer, Quinn, Ryland, Stevens, Singley, Watkins, Waite and Wells—18.

So the bill passed.

Mr. Stevenson moved to re-consider the vote just taken.

Mr. Flourney moved to indefinitely postpone the motion.

Agreed to.

On motion of Mr. Stow, at four o'clock P. M., the House took a recess until half past seven o'clock, P. M.

7½ o'clock, P. M.

House re-assembled.

Speaker in the Chair.

Mr. Mellus moved to adjourn.

Not agreed to.

Mr. Meredith made the following reports:

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled the following Acts:

An Act amendatory of an Act entitled an Act concerning County Judges,

passed April 4, 1854, and also an Act which passed April 25, 1855, amendatory of the above recited Act.

An Act to authorize J. R. N. Owen, of Butte County, to demand and collect Tolls on what is known as Owen's Turnpike.

An Act to create a Board of Supervisors for the County of San Diego and to define their Duties, approved May 3, 1852.

An Act to provide for the erection of a Jail in the County of San Luis Obispo.

An Act to authorize the Board of Trustees of the City of San Diego to make Regulations to prohibit the Obstruction, or placing of Rubbish or Filth, or slaughtering Animals in the streets and alleys of that part of said City known as Old San Diego, and for sweeping and cleaning the Plaza thereof.

An Act supplementary to an Act entitled an Act to regulate Elections, passed March 23, 1850.

An Act to legalize certain Records in San Luis Obispo County.

An Act for the Relief of Mrs. Annie V. R. Wells.

An Act to legalize the Acts of the County Recorder of San Diego, while acting as County Auditor, since the third day of May, 1852.

An Act to prevent the improper and criminal use of Deadly Weapons.

An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

H. B. MEREDITH,
Chairman.

Mr. Speaker :

The Joint Committee on Enrollment presented to Gov. Bigler, for his approval, this day—

An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854; and, also, an Act which passed April 25, 1855, amendatory of the above recited Act; also,

An Act to authorize J. R. N. Owen, of Butte County, to demand and collect Tolls on what is known as Owen's Turnpike; also,

An Act to create a Board of Supervisors for the County of San Diego, and to define their duties, approved May 3, 1852; also,

An Act to provide for the erection of a Jail in the County of San Luis Obispo; also,

An Act to authorize the Board of Trustees of the City of San Diego to make regulations to prohibit the obstruction or placing of rubbish or filth, or slaughtering animals in the streets and alleys of that part of said City known as Old San Diego, and for sweeping and cleaning the Plaza thereof; also,

An Act supplementary to an Act entitled an Act to regulate Elections, passed March 23, 1850; also,

An Act to legalize certain Records in San Luis Obispo County; also,

An Act for the Relief of Mrs. Annie V. R. Wells; also,

An Act to legalize the acts of the County Recorder of the County of San Diego while acting as County Auditor since the third day of May 1852; also,

An Act to prevent the improper and criminal use of Deadly Weapons; also,

An Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

H. B. MEREDITH,
Chairman.

Mr Ryland, Chairman, made the following report :

Mr. Speaker :

The Conference Committee of the Senate and Assembly, appointed upon the disagreement of the two Houses on Senate bill No. 215, substitute for Senate bill No. 184, for an Act amendatory of and supplementary to an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, ask leave to report that the Senate concur in Assembly amendments.

R. T. SPRAGUE,
Chairman Senate Committee.

C. T. RYLAND,
Chairman Assembly Committee.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, May 5, 1855. }

To the Assembly of California :

I have this day approved an Act which originated in the Assembly, entitled an Act to purchase the portrait of Major John Augustus Sutter, and to provide for taking the portrait of Major General John E. Wool, U. S. A.

The amount appropriated I regarded as exceeding the value of the labor performed; and, before approving the Act, required a letter to be filed in this office, in which the artist, William S. Jewett, also agrees "to furnish during the year 1855, the portrait of General John E. Wool, without further compensation from the State" than is provided in the Act this day approved.

In this connection, you will permit me to remark, that for the reason that the financial condition of the State does not, in my opinion, warrant expenditures for objects which can, without detriment to the public interests, be dispensed with for a time, the Act is approved by me with great reluctance. You will permit me to remark, that I am opposed to appropriations of this character at this time, and sincerely hope that the Representatives of the people will defer making appropriations for such objects, to a period when it may not only be the policy, but the duty of the State to encourage the fine arts, and in the form of portraits and statuary, render deserved tributes to distinguished worth and merit.

At present, however, the financial condition of the State precludes the expenditure of large sums, and strict economy is imperiously demanded.

JOHN BIGLER.

Mr. Wells offered the following resolution:

Resolved, That W. H. Lindsey be allowed pay for the months of January and February, as Assistant Sergeant-at-Arms of the Assembly.

Adopted.

Mr. Smith of Marin offered the following resolution:

Resolved, That the Assistant Enrolling and the Assistant Engrossing Clerks

be authorized to draw their per diem during the time of their actual service, and that the Enrolling and Engrossing Clerks of the Assembly so inform the Sergeant-at-Arms, and that he be directed to act in accordance with their report.

Adopted.

Mr. Buffum offered the following resolution:

Whereas, We are convinced that the great influx of persons of foreign birth into our country, united with the facilities afforded under present laws for their naturalization, has a tendency to corrupt our political institutions; therefore,

Resolved, That our Senator in Congress and our Representatives in Congress elect be invited to use their endeavors to effect a thorough revision of the present laws providing for the naturalization of foreigners, including the extension of the present term to at least ten years residence in the United States as a pre-requisite of citizenship.

Resolved, That we believe that our territory, whether agricultural or mineral, is the birth-right of those born upon the soil; and that our Senator in Congress and our Representatives elect, be invited to use their endeavors to prevent the ceding of any portion of our territory to persons of foreign birth who have not, in compliance with the laws, obtained the rights of citizenship.

Mr. Flournoy moved to refer to Committee on Federal Relations.

Mr. Edwards moved to lay on the table.

Upon which Messrs. Buffum, Farwell and Smith of Marin demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Ashley, Baker, Bates, Beatty, Boles, Brown of Nevada, Burke, Cory, Clayton, Coombs, Cunningham of El Dorado, Douglas, Edwards, Flournoy, Ferguson, Gaver, Gaylord, Geller, Hunt, Keys, Kinney, Lincoln, McCutchan, Mellus, Moreland, Palmer, Quinn, Rodgers, Rowe, Ryland, Stevens, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Updegraff, Watkins, Waite and Wells—40.

Those who voted in the negative were—

NOES.

Messrs. Arrington, Bogardus, Brown of Contra Costa, Buffum, Cammet, Chase, Curtis, Farwell, Gober, Hosmer, Johnson of El Dorado, McCurdy, Phelps, Whitney and Mr. Speaker—15.

So the resolution was laid on the table.

Mr. Edwards, Chairman, verbally reported back Assembly bill No. 391.

House concurred in Committee amendments and further amended the bill.

Mr. Rowe moved the previous question.

Sustained.

Mr. Farwell moved to suspend the rules and read the bill a third time.

Messrs. Watkins, Farwell and Buffum demanded the ayes and noes, which resulted as follows:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Baker, Bates, Beatty, Boles, Brewton, Brown of Nevada, Buffum, Chase, Clayton, Coombs, Covarrubias, Cunningham of Sierra, Curtis, Doughty, Edwards, Farley, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Hosmer, Hunt, Johnson of El Dorado, Keys, Kinney, McCurdy, Mellus, Meredith, Phelps, Rodgers, Rowe, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Updegraff, Vineyard, Waite, Wells, Whitney and Mr. Speaker—45.

Those who voted in the negative were—

NOES.

Messrs. Adkison, Brown of Contra Costa, Burke, Cory, Cunningham of El Dorado, Geller, Gober, McCutchan, Moreland, Murdock, Palmer, Quinn, Stevens and Watkins—14.

So the rules were suspended and the bill read a third time.

The question being, Shall the bill pass?

Messrs. Edwards, Watkins and Buffum demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Baker, Bates, Beatty, Boles, Brewton, Buffum, Burke, Chase, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Douglas, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Hosmer, Hunt, Johnson of El Dorado, Keys, Kinney, McCurdy, Mellus, Meredith, Rodgers, Rowe, Sherrard, Singley, Smith of El Dorado, Stewart, Taliaferro, Updegraff, Waite, Whitney and Mr. Speaker—42.

Those who voted in the negative were—

NOES.

Messrs. Ashley, Adkison, Brown of Contra Costa, Cory, Coombs, Cunningham of El Dorado, Geller, Gober, McCutchan, Moreland, Murdock, Palmer, Phelps, Quinn, Ryland, Stevens, Smith of Marin, Vineyard, Watkins and Wells—20.

So the bill passed.

Mr. Flournoy moved to re-consider the vote just taken.

Mr. Taliaferro moved to indefinitely postpone.

Agreed to.

Title amended.

Mr. Buffum moved to take from the table resolution in reference to naturalization laws.

Messrs. Buffum, Hosmer and Farwell demanded the ayes and noes, with the following result :

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Adkison, Bates, Bogardus, Brown of Contra Costa, Buffum, Burke, Cunningham of El Dorado, Curtis, Edwards, Farwell, Ferguson, Gaylord, Gober, Hosmer, Johnson of El Dorado, Keys, McCurdy, Meredith, Moreland, Phelps, Updegraff, Whitney and Mr. Speaker—24.

Those who voted in the negative were—

NOES.

Messrs. Ashley, Baker, Boles, Brown of Nevada, Cory, Clayton, Coombs, Covarrubias, Cunningham of Sierra, Doughty, Ferrell, Flournoy, Geller, Hunt, McCutchan, Mellus, Palmer, Quinn, Rodgers, Stevens, Singley, Watkins, Waite and Wells—24.

So the motion was lost.

Mr. Meredith made the following report:

Mr. Speaker :

The Joint Committee on Enrollment have examined and find correctly enrolled the following Acts:

An Act to re-locate the County Seat of Yolo County by the qualified Voters of said County.

An Act amendatory of an Act, passed May 15, 1854, entitled an Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

An Act to legalize the City Assessment of the City of San Francisco for the fiscal year 1854-5.

An Act to provide for funding the legal and equitable Debt of the City of San Francisco, and for the final redemption of the same.

H. B. MEREDITH,

Chairman.

Mr. Farley moved to take from the table Assembly concurrent resolution, rescinding the fifteenth joint rule.

Agreed to and adopted.

Mr. Ryland moved to suspend the rules and introduce the following resolution:

Resolved, That five hundred copies of all the amendments to the Act to reg-

gulate Proceedings in Civil Cases in Courts of Justice in this State, be printed, and distributed pro rata to the members of this House by the Secretary of State.

Agreed to and resolution adopted.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, May 5, 1855. }

To the Assembly of California:

I have this day approved the following Acts, which originated in the Assembly, viz:

An Act to amend an Act entitled an Act to create a Board of Supervisors for the County of San Diego, and to define their Duties, approved May 3, 1852.

An Act to provide for the Erection of a Jail in the County of San Luis Obispo.

An Act to legalize the acts of the County Recorder of the County of San Diego, as County Auditor since the 3d day of May, 1852.

An Act to legalize certain Records in the County of San Luis Obispo.

An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

An Act to prevent the improper and criminal use of Deadly Weapons.

An Act for the Relief of Mrs. Annie V. R. Wells.

An Act to re-incorporate the City of San Francisco.

JOHN BIGLER.

The following message was received from the Senate:

SENATE CHAMBER, May 5, 1855.

Mr. Speaker :

The Senate this day passed Assembly bill No. 145, An Act to amend an Act concerning the Office of Public Administrator and making it elective, passed April 15, 1851.

Respectfully submitted,

C. DICKINSON,
Secretary Senate.

Mr. Farwell offered the following resolution:

Whereas, The intent and meaning of the institutions common and alike throughout the Union being to promote the interests of its citizens,

Resolved, As the sense of this Assembly of the State of California, that the public lands, mineral, agricultural or otherwise, should only be subject to entry or use by citizens of the United States.

And further resolved, That the Senators and Representatives in Congress from this State be requested to procure the passage of laws, prohibiting all persons not citizens of the United States from pre-empting or settling upon any

plat, piece or parcel of the public lands, now or hereafter to be subject to entry, within the boundaries and limits of this State, and to declare, through such laws to be passed, that said public lands, mineral, agricultural or otherwise, shall only be subject to entry or use by citizens recognised by the laws of the United States.

Pending which, on motion of Mr. Sherrard, the House adjourned at half past ten o'clock, P. M.

IN ASSEMBLY.

MONDAY, May 7, 1855.

House met pursuant to adjournment.

Speaker in the chair.

Roll called and the following members were absent :

Messrs. Knox and Jones.

The Journal of Saturday was read and approved.

Senate bill No. 252.

Read three times and passed.

Mr. Farley presented the following resolution:

Resolved, (by the Assembly, the Senate concurring,) That a Concurrent Resolution, passed some days since, prohibiting the State Treasurer from paying cash upon Controller's Warrants issued to members of the Legislature to others than members themselves, or when accompanied by a regular executed power of attorney assigning the same, be and the same is hereby rescinded.

Adopted.

Mr. Wells reported back, without recommendation, the following communications:

STATE TREASURER'S OFFICE, }
Sacramento, May 2, 1855. }

To the Hon. the Speaker of the Assembly :

It becomes my duty to notify the members and officers of the Assembly that A. J. Butler, Esq , has, this day, at fifteen minutes before ten o'clock, A. M., caused a mandamus to be served upon me as Treasurer of State, to show cause, on the first Monday in June next, why I have refused to pay certain State Controller's Warrants owned and presented for payment by him on Tuesday, the

first instant. The said mandamus was issued by one of the Associate Justices of the Supreme Court, the Hon. Chas. J. Bryan.

I have the honor to be,
Very respectfully,
Your obedient servant,

S. A. McMEANS,
State Treasurer.

STATE TREASURY DEPARTMENT, }
Sacramento, May 1, 1855. }

To the Honorable the Speaker of the Assembly :

I am in receipt of Assembly Resolution " requesting the State Treasurer to inform us categorically whether there is any money in the General Fund, and if there is, how much ? " To which I have the honor to reply that there is in the General Fund, twelve thousand two hundred and sixty-six dollars and fifty-seven cents.

Notwithstanding the restriction imposed on me by the language of the resolution, I desire to trespass so far as to state, most distinctly, that some Counties have failed to settle with this office during the month of April last, as required by law. The Counties of El Dorado, Sacramento, Calaveras, and San Francisco, are in this category.

Again, the Act known as the " One Thousand Dollar Act " of the present Legislature, directs that the money shall be paid to the members and officers of the Legislature. In many instances, members and officers have sold their warrants to other parties, indorsing their names, over which the State Treasurer is directed, by the assignee, to pay to the holder, out of the special one thousand dollars cash appropriation. The House was asked by the State Treasurer if he should pay the money to order, and that body answered, by resolution, in the affirmative; but subsequently passed a Concurrent Resolution directing the State Treasurer not to pay any part of the one thousand dollars to any person save the members of the Legislature, etc. Such proceedings have tended to embarrass this department, and will evidently result in litigation. A holder of a large amount of what is called preferred scrip, has this day demanded payment, and has been refused upon the ground that the Act and Concurrent Resolution both direct the payment to be made to the members and officers of the Legislature, and not to their assignees.

I have the honor to be,
Very respectfully,
Your obedient servant,

S. A. McMEANS,
State Treasurer.

Laid on the table.

The following messages were received from the Governor:

EXECUTIVE DEPARTMENT, }
Sacramento, May 7, 1855. }

To the Assembly of California :

I have this day approved the following Acts which originated in the Assembly, viz :

An Act to fund the Debt of the County of Yolo and provide for the payment of the same which accrued from and after the first day of January, 1853, to the first day of April, 1855.

An Act explanatory of an Act entitled an Act regulating Marriages, passed April 22, 1850.

An Act to amend an Act entitled an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851.

An Act explanatory of and supplemental to an Act entitled an Act to re-incorporate the City of San Francisco.

An Act to authorize the Board of Trustees of the City of San Diego, to make regulations to prohibit the obstruction or placing of rubbish or filth, or slaughtering of animals in the alleys of that part of said City known as Old San Diego, and for keeping and cleaning the Plaza thereof.

An Act supplementary to an Act entitled an Act to regulate Elections.

An Act amendatory of an Act, passed May 15, 1854, entitled an Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

An Act to legalize the City Assessment of the City of San Francisco for the fiscal year 1854-5.

An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

An Act to re-locate the County Seat of Yolo County by the qualified voters of said County.

An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854; and, also, an Act which passed April 25, 1855, amendatory of the above recited Act.

An Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the Estates of Deceased Persons, passed May 1, 1851.

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }
Sacramento, May 7, 1855. }

To the Assembly of California :

I have this day approved an Act which originated in the Assembly, entitled an Act to provide for Funding the legal and equitable debt of the City of San Francisco, and for the final redemption of the same.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento, May 7, 1855. }

To the Assembly of California :

An Act entitled an Act to authorize J. N. R. Owen, of Butte County, to demand and collect Tolls on what is known as Owen's Turnpike, is herewith returned to the House in which it originated without approval.

The Act is regarded not only as unnecessary, but, as a precedent, is calculated to encourage similar applications to the Legislature for special legislation in relation to matters which, by law, have been placed under the control of the Boards of Supervisors of the several Counties of the State.

The Board of Supervisors of the County of Butte are empowered, by law, to authorize the collection of tolls on the road referred to, if, in their judgment, such authority should be given to the party named in the Act. The Board, it is fair to presume, are familiar with the wants of the people, and will, no doubt, promptly and fairly decide the question when presented for their consideration.

On the 30th of April, 1855, an Act was approved by me, which fully authorizes the Boards of Supervisors in such cases to confer all the powers and privileges demanded by the wants or interests of the people.

JOHN BIGLER.

The question being upon the passage of An Act to authorize J. N. R. Owen, of Butte County, to demand and collect Tolls on what is known as Owen's Turnpike, notwithstanding the veto of the Governor.

The following vote was taken:

Those who voted in the affirmative were—

AYES.

Messrs. Ashley, Adkison, Bogardus, Brown of Contra Costa, Brown of Nevada, Coombs, Curtis, Douglas, Doughty, Edwards, Farley, Gaver, Gober, Johnson of El Dorado, Lincoln, McConnell, Meredith, Murdock, Oxley, Palmer, Rowe, Stevenson, Taliaferro, Updegraff and Mr. Speaker—25.

Those who voted in the negative were—

NOES.

Messrs. Andrews, Amyx, Arrington, Beatty, Boles, Buffum, Burke, Cammet, Chase, Clayton, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Ferguson, Geller, Hosmer, Kinney, McCutchan, Moreland, Phelps, Quinn, Rodgers, Ryland, Stevens, Smith of El Dorado, Vineyard, Watkins, Waite Wells and Whitney—32.

So the bill was lost.

On motion of Mr. Johnsten, of San Francisco, a Joint Committee of two was appointed to wait on the Governor, and inform him that the Assembly was ready to adjourn.

Senate Concurrent Resolution in relation to postponing the time of adjourn-

ment, from 12 o'clock M., to 12 o'clock P. M., of the seventh of May, 1855, being taken up.

The question was upon the adoption of the resolution.

Whereupon Messrs. Amyx, Watkins and Gober demanded the ayes and noes, with the following result:

Those who voted in the affirmative were—

AYES.

Messrs. Andrews, Baker, Bates, Beatty, Brewton, Brown of Nevada, Bufum, Burke, Chase, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Edwards, Farley, Flournoy, Ferguson, Gaver, Geller, Hosmer, Keys, Mellus, Meredith, Murdock, Oxley, Rodgers, Rowe, Stevenson, Sherrard, Smith of Marin, Stewart, Taliaferre, Vineyard, Whitney and Mr. Speaker—35.

Those who voted in the negative were—

NOES.

Messrs. Amyx, Ashley, Adkison, Bogardus, Brown of Contra Costa, Cory, Cunningham of El Dorado, Doughty, Farwell, Foster, Gaylord, Gober, Johnson of El Dorado, Lincoln, McCutchan, Moreland, Phelps, Quinn, Stevens, Smith of El Dorado, Watkins, Waite and Wells—22.

So the resolution was adopted.

Mr. Johnston of San Francisco, verbally reported that the Committee had waited on the Governor and informed him that the Assembly was ready to adjourn, etc.

Mr. Johnston, of San Francisco, moved to adjourn until 10 o'clock, P. M. Agreed to.

10 O'CLOCK, P. M.

House re-assembled.

Speaker in the Chair.

Roll called, and the following members were absent:

Messrs. Jones and Knox.

The following messages were received from the Senate :

SENATE CHAMBER, May 7, 1855.

Mr. Speaker :

I am directed to inform the Assembly, that the Senate have, this day, concurred in the Assembly amendments to the Senate bill No. —, An Act to provide for the occupation of the State Prison Convicts.

Respectfully submitted,

C. DICKINSON,

Secretary Senate.

SENATE CHAMBER, May 7, 1855.

Mr. Speaker :

I am directed to inform the Assembly that the Senate concurred in Assembly Concurrent Resolution relative to conferring with the Governor, and have appointed as the Committee on the part of the Senate, Messrs. Hawks, Heintzelman and Whiting.

Also, the Senate receded from its amendments to an Act entitled an Act making appropriations to defray the ordinary Civil Expenses of the Government of this State from the first day of February, 1855, to the first day of February, 1856, passed April 27, 1855.

Respectfully submitted,

C. DICKINSON,
Secretary of Senate.

The following messages were received from the Governor :

EXECUTIVE DEPARTMENT, }
Sacramento, May 7, 1855. }

To the Senate and Assembly of California :

The Act relative to the State Prison is confessedly one of much importance, and necessarily requires reflection on my part. At this late hour I am not prepared to sanction it. On the contrary, my present impressions are strongly adverse to its provisions. I will, however, examine carefully its provisions, and after such examination will duly inform the Legislature, if in session, of my final decision.

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }
Sacramento, May 7, 1855 }

To the Assembly of California :

I have this day approved an Act which originated in the Assembly, entitled an Act to provide for the Government of the State Prison.

Although aware that, in case the present Lessee retains and in good faith complies with his contract, the Act above approved must remain inoperative, it was, nevertheless, deemed proper to give it a place in the statute book.

JOHN BIGLER.

Mr. Taliaferro moved that the Clerk inform the Senate that the Assembly was ready to adjourn *sine die*.

Agreed to.

The Clerk informed the Senate that the Assembly was ready to adjourn *sine die*, and reported back to the Assembly that the duty had been performed

The Speaker rose and said—

Gentlemen of the Assembly:

A discreet and conscientious discharge of the duties of an official station ever receives the twofold reward of private peace and public approbation. The embarrassments surrounding California legislation are only realized by those who have been participants. The unrivaled rapidity of our governmental growth, the varied and conflicting interests contending for mastery, the corrupt councils that have at times prevailed, the correction of the errors of the past, the prudent policy for the future, the force of education in the statutes and institutions of the States of our nativity—all conspire to confuse and confound the most upright and intelligent efforts of the legislator in the performance of his duties. One has studied statesmanship under the conservative Webster, another under the compromising Clay, another under the stubborn and solid mastery of Calhoun, and yet another under the Giant of the West—as in the halls of Congress, the puritan and the pioneer, the strict and the liberal constructionist, mingle in our deliberations. Under circumstances such as these, with contending interests and views at variance, it would be strange indeed, if, at times, the hall of legislation was not the theatre of heated and violent discussion, and the source of imprudent and unwise, as well as wholesome and judicious enactments.

To contend that we have been faultless, and that our deliberations will only tend to the advantage of the people, would be to arrogate to ourselves a superiority of wisdom and foresight never accorded to a similar body; but, it is with pleasure that I testify to the honest pervading purpose, though the judgment may have widely differed. It is not my province to eulogize or extol my legislative associates. Each has his account to arrange with his conscience and his constituents—each has left upon the faithful Journal a record by which he is to be judged.

But, gentlemen, there is a history connected with your career, engraven upon the heart of one of your number, unintelligible to all except its possessor, and only to be defaced or bedimmed by death itself. The kind and dignified demeanor extended towards me by the Assembly, the uniform support which has sustained my action, could only emanate from a body of indulgent and courteous gentlemen. No matter how heated the debate, no matter how intense the excitement, no matter how stupendous the interest involved—when party was arrayed against party, each pursuing the policy pointed out by honest opinion—still, none forgot the dignity of his own station, or failed to add to the obligations towards my brethren daily augmenting upon me.

God grant that the future of each of you may be as agreeable as the recollection of the associations of this session will ever be a source of pleasure to your presiding officer

I now declare this Assembly adjourned *sine die*.

So the Assembly adjourned *sine die*

J. M. ANDERSON,
Clerk of Assembly.